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CONSTITUTIONALISM IN COMMUNIST CHINA

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I

Communist China entered the "constitutional stage" of its experience on September 20, 1954, when the Constitution of the Chinese People's Republic (CPR), adopted by the first National People's Congress (NPC) on that date, was promulgated.¹ The ordinary Chinese citizen could detect no immediate effect of this event upon the conditions of his daily life, and he had no reason to believe that things affecting him would be done very much differently in the future than in the recent past. He could understand from the incessant propaganda of the preceding months that the "transition to Socialism" was moving toward its climax.² The new Constitution promised him no surcease from the incitements and pressures of the interminable "mass movements"—for "land reform," "suppression of counter-revolutionaries," "Resist America, Aid Korea," "3-Anti," "5-Anti," "democratic reform," "national elections," "On to Taiwan," and the others. Instead, he would be told that the past was merely the prologue: the pre-constitutional

¹ Chinese text in *Hsüeh-hsi* [Study] (Peking), No. 10 (1954), pp. 3-14 (Oct. 2, 1954). English translations are in: *People's China* (Peking), No. 19 (1954), supp. (Oct. 1, 1954); *Hsin-hua* News Agency [NCNA] (Peking), *Daily News Release* [DNR], Sept., 1954, undated supp.; American Consulate General, Hong Kong, *Current Background* [CB], No. 297 (Oct. 5, 1954).

² The "general line of the State during the period of transition to Socialism" was introduced in an editorial of *Jen-min jih-pao* [People's Daily, *JMJP*] (Peking), Oct. 1, 1953, and elaborated by Li Wei-han, Director of the CCP Central Committee's United Front Work Department, on October 27, 1953, *CB*, No. 267 (Nov. 15, 1953). As a "fanfare" movement, the subject can be traced through *JMJP* editorials in Nov.-Dec., 1953, which are collected in *Kuo-tu shih-ch'i tsung-lu hsin hsüeh-hsi ts'an-k'ao tzu-liao* [Collected Materials for the Study of the General Line of the Transition Period], 2 vols. (Peking, Jen-min ch'u-pan she, 1954). A translation of the *JMJP* New Year's Editorial, Jan. 1, 1954, "Everything for the Implementation of the General Line," is in *DNR*, Jan., 1954, pp. 6-9. *DNR* references are to monthly bound copies of the daily issues, which may be one or more days behind the date of actual release.

measures of September, 1949—the Common Program, the Organic Law of the Central People's Government (CPG), and the Organic Law of the Chinese People's Political Consultative Conference (CPPCC)³—had only enabled the “people's democratic dictatorship” to lay the foundations for the superstructure of Socialism.

The new Constitution was 20 months in the making (January 13, 1953–September 20, 1954). Concurrently with its call for elections for the first NPC, which would adopt the Constitution, the Central People's Government Council announced the appointment of a Constitution Drafting Committee on January 13, 1953.⁴ The Chinese Communist party (CCP) remained in firm control of the drafting process: the 33-man Drafting Committee included nine members of the CCP Politburo,⁵ eight other members of the Central Committee,⁶ and two leading CCP bureaucrats;⁷ and, at its first announced meeting on March 23, 1954—14 months later—the Drafting Committee unanimously adopted as its own “first draft” a draft declared to have been drawn up by the CCP Central Committee, as offered to it by Chairman Mao Tse-tung and “explained” by Central Committeeman Ch'en Po-ta.⁸ Such leadership by the CCP corresponded to the activity of the CPSU in the drafting of the Soviet Constitution of 1936, and fully conformed to the CCP's own working doctrine.⁹ In 1949, for example, the committee responsible for drafting the Common Program of the CPPCC had “entrusted” the work to the CCP Central Committee.¹⁰ In effect, the Cen-

³ Substantially complete documentation of the 1949 measures is in *Chung-kuo jen-min cheng-chi hsieh-shang hui-i ti i-chieh chuan-t'i hui-i, Chiang-hua, pao-kao, fa-yen* [Speeches, Reports and Discussions at the First Session of the First CPPCC] (Shanghai, Hsin-hua shu-tien, 1949); and *Chung-hua hsien-min kung-ho-kuo k'ai-kuo wen-hsien* [Documents of the Chinese People's Republic] (Hong Kong, 1949). The Common Program offers a basis for comparing policy in 1949 with policy in 1954, and spells out specific policy implications of Mao Tse-tung's *Lun hsien-min chn-i chuan-cheng* [On People's Democratic Dictatorship] (June, 1949).

⁴ NCNA, Peking, Jan. 16, 1953; *DNR*, Jan., 1953, pp. 89–90.

⁵ Mao Tse-tung (Chairman), Chu Teh, Chou En-lai, Lin Po-ch'ü, Kao Kang, Ch'en Yün, P'eng Te-huai, Tung Pi-wu, and Liu Shao-ch'i (in the order listed in the communiqué). Kao Kang had disappeared from public notice before the committee held its first meeting.

⁶ Lin Feng, Ulanfu, Ch'en Po-ta, Hsi Chung-hsün, Teng Hsiao-p'ing, Teng Tzu-hui, Po I-p'o, and Jao Shu-shih.

⁷ Li Wei-han and Hu Chiao-mu.

⁸ *DNR*, March, 1954, p. 165. Chen's explanation has not been published.

⁹ Statements by Tung Pi-wu, Li Wei-han, Kao Kang and others on the indirect operational techniques of the CCP in controlling the government are assembled in H. A. Steiner, *Chinese Communism in Action* (Los Angeles, 1953), Pt. I, pp. 46–57. Although the Central Committee held a Plenary Session February 6–10, 1954 (its first since 1950), the resulting communiqué gave no hint that the Central Committee had assumed the initial drafting responsibility. NCNA, Peking, Feb. 18, 1954, *DNR*, Feb., 1954, pp. 111–14; *People's China*, No. 6 (1954), pp. 3–7 (March 16, 1954).

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and is infected with the discriminatory doctrines that are implicit in that concept.

Clues for understanding current Chinese Communist constitutional theories may certainly be found in Mao Tse-tung's writings of the mid-Yenan period. Just as Maoism entails a special application of Marxism-Leninism which differs from Soviet applications (without being incompatible with them), the Chinese Communist concept of "state" varies from the Soviet concept. Article 1 of the Chinese Constitution of 1954 defines the CPR as "a people's democratic state led by the working class and based on the alliance of workers and peasants." Article 1 of the Soviet Constitution of 1936 defines the Soviet Union as "a Socialist state of workers and peasants." At the minimal level of objectivity, the compared texts simply suggest one way in which the Chinese People's Republic differs from the Soviet Union. Beyond that level, there is the question of determining whether (and how) the difference may be significant; and, if so, whether any identifiable special Chinese characteristic might survive the transition to Socialism to distinguish Chinese from Soviet concepts of the *Socialist* state. Obviously, the answers are not at hand, but the search for them will enlighten our present understanding.

Mao's principal work of the Mid-Yenan period—*On New Democracy* (January 19, 1940)²⁹—developed the concept of "new democracy" as a distinct form of social organization. After ruling out the possibility that China could proceed toward Socialism through the form of "bourgeois dictatorship" (i.e., Western capitalist democracy), he insisted that the transitional objective on the road to Socialism must be "a *new type* of revolution, wholly or partly led by the proletariat, the first stage of which aims at the setting up of a new democratic society, a *new state* of the combined dictatorship of all revolutionary classes"³⁰ (italics supplied). That the transitional form of "new democracy" is unique and entirely distinguishable from the final Socialist form is constantly reiterated throughout *On New Democracy*, is regularly expressed in Mao's subsequent writings, and survives as the basis for Article 1 of the Constitution of 1954. Mao defined the "political basis of new democracy" in terms of the relationship of "state form" (*kuo-t'i*) to "government form" (*cheng-t'i*)—distinguishing both from "state" (*kuo-chia*).³¹ He saw the problem of "state form" as one of relations

²⁹ *Hsin min-chu chu-i lun* [On New Democracy], in *Mao Tse-tung hsüan-chi* [Selected Works of Mao Tse-tung], 2d. ed. of the official edition (Peking, 1952-1953), Vol. 2, pp. 655-704, esp. pp. 668-70 [Mao, *Selected Works*]. This text has been compared with a pre-Peking version. An English translation of substantial accuracy, "China's New Democracy," is in *The Strategy and Tactics of World Communism*, Supp. III (C), House Doc. No. 154, Pt. 3, 81st Cong., 1st sess. (Washington, 1949), pp. 67-91.

³⁰ In "China's New Democracy," p. 71.

³¹ *Ibid.*, p. 75.

between social classes, and to this extent spoke in the Marxist-Leninist tradition; but the term he employs—*kuo-t'i*—is drawn from a Chinese political treatise of the Third Century B. C., and strongly suggests that “state form” is to be distinguished from “state.” But “state form,” as social basis, is also carefully distinguished from “government form”—“the form of state organization with which a certain social class builds strength to defend itself against its enemies.” Thus the “political basis of new democracy” is expressed in a special formula: “State form [*kuo-t'i*—dictatorship of all revolutionary classes; government form [*cheng-t'i*—the system of democratic centralism.”³²

The “state form” of the CPR in 1949 was the “people’s democratic dictatorship” of four classes of revolutionary “people,” each identified as a satellite star on the national flag—the proletariat, the peasantry, the petty bourgeoisie, and the national capitalists.³³ By 1954, as we shall see, the class structure has begun to change, and further changes are prescribed for the transition to Socialism; but while changes may occur in specific identities of participating classes and their interrelationships, the basic problem of “state form” persists as one of social relationships.³⁴ The “government form” of 1949 was “democratic centralism” maintained chiefly through administrative channels, while the specially constructed CPPCC only nominally “exercised the functions of the National People’s Congress.” By 1954, some of the forms of democratic centralism have been modified by the establishment of a hierarchy of “people’s congresses” along the lines prescribed by Mao Tse-tung in *On New Democracy* (1940). Faithful to the traditional Maoist line, Liu Shao-ch’i carefully distinguished “state form” from “government form” in his *Report* of September 15, 1954, to the NPC: “The Character of Our State” is the subject of Part II(1) of the *Report*; “Our Political System of People’s Democracy” is the subject of Part II(3). The evidence strongly suggests that a valid interpretation of the Constitution of 1954 can be constructed only against the background of fifteen years of Chinese experience, and that the features of the new Constitution that bear upon the changing relationships of social classes far transcend in significance those features which modify institutional practices at the government level.

III

A “Socialist state of workers and peasants” (Soviet Constitution, 1936) may be considered a model of doctrinal and structural simplicity

³² *Idem*, in variant form.

³³ Mao, *On People’s Democratic Dictatorship*.

³⁴ The question will seem less complex when it is realized that “dictatorship” (*chuan-cheng*) as used in “people’s democratic dictatorship” does not connote a particular form of government (as opposed, for example, to a democratic form of government) but is closer in meaning to “state” or “state form.”

in comparison with "a people's democratic state led by the working class and based on the alliance of workers and peasants" (Chinese Constitution, 1954). "People's democratic state" assimilates and reflects in contemporary form the multi-class united front doctrines expounded by Mao Tse-tung since 1936-1937, and thus carries doctrinal connotations of a special character. While Mao's united front doctrines varied in expression and formulation from time to time, they remained constant in the sense of responding to the prevailing party-line analysis of "the present situation and our tasks."³⁵ Amidst the different changes of fortune and prospect, at least two substantive elements also appear to have remained constant: (1) within every "united" front organization after 1937, the CCP retained its own party program and strove to exert leadership so long as the doctrines and tactics accepted by the combined forces paralleled or otherwise specifically served its own long-range revolutionary objectives;³⁶ and (2) party decisions with respect to the admissibility of non-Communist parties and groups and non-proletarian social classes into the coalition were controlled by rigorous analysis of their capacity to function as a "revolutionary force" in the given situation.³⁷

The history of the various united fronts has been a history of experiences with successive doctrines thought capable of advancing the revolutionary objective, and with different combinations of social, political, or class groups.³⁸ The class structure of the "Anti-Japanese National United Front" (1937 and after) was extremely broad, including even the "bourgeoisie" of the Kuomintang so long as the CCP could accept

³⁵ A literal translation of the title of Mao's report, December 25, 1947, to the First Plenary Session of the Seventh Central Committee, but not unique in that usage.

³⁶ In May, 1937, Mao argued for the adoption of the *San-min chu-i* (Three People's Principles of Dr. Sun Yat-sen) as the interim temporary program of the CCP. *Chung-kuo kung-ch'an tang tsai kang-Jih shih-ch'i ti jen-wu* [Tasks of the CCP during the Anti-Japanese War] (May 3, 1937), in Mao, *Selected Works*, Vol. 1, pp. 243-60. On this basis, he attacked the Kuomintang in January, 1940 (*On New Democracy*) on the ground that alleged failures to implement the Three People's Principles, the bible of the Kuomintang itself, would disqualify the Kuomintang from taking part in a truly "new democratic" revolution. *On New Democracy* (cited in note 29), pp. 80-84.

³⁷ *Chung-kuo she-hui ko chieh-ch'i ti feng-hsi* [Analysis of Classes in Chinese Society] (March, 1926), is the opening selection in Mao, *Selected Works*, Vol. 1, pp. 3-13. From this sketchy beginning, Mao developed a work of Marxist-Leninist significance: *Chung-kuo ko-ming ho Chung-kuo kung-ch'an tang* [The Chinese Revolution and the Chinese Communist Party] (Nov., 1939), in *Selected Works*, Vol. 2, pp. 615-60, which is principally important for its evaluations of the revolutionary potential of the different classes of Chinese society. Later class analyses, as in 1949, developed within that frame of reference, although the revolutionary potential of a particular class was differently identified according to the situation of the moment.

³⁸ Examples will be found in Allan B. Cole, "The United Front in the New China," *The Annals*, Vol. 277, pp. 35-45 (Sept. 1951).

Dr. Sun Yat-sen's Three People's Principles as its own "minimum program"; and whether a particular element qualified for admission turned upon its capacity to serve the most pressing revolutionary need of the moment, which was the development and exploitation of patriotic fervor.³⁹ The united front of 1948 was more narrowly limited to union with anti-Kuomintang splinter parties; the unifying doctrine was the joining of "democrats" to defeat the "reactionary" Kuomintang. The united front of 1949 ("people's democratic dictatorship") joined four "revolutionary" classes of society in the common effort to destroy "counter-revolutionaries" and to "complete the revolution"—although this formulation was broad enough to continue in good standing the parties of the 1948 united front. In the "period of transition to Socialism" after 1954, the relative capabilities of the "four classes" of 1949 to contribute to revolutionary tasks in the new situation are considered to have changed, and the Constitution itself becomes a weapon of the party in making the necessary adjustments. "People's democratic state" thus evokes an entire complex of united front tactics and doctrines not specified in the Constitution of 1954, although the Preamble declares that the "people's democratic united front will continue to play its [changing?] part. . . ." Nothing corresponding to this is encountered in Soviet experience after 1918 or in the "standard" Marxist-Leninist concept of the Socialist state.

On April 24, 1945, Mao Tse-tung explained to the Seventh National Congress of the CCP that "a new democratic state of the union of democratic classes" differed "in principle from a Socialist state with a dictatorship of the proletariat."⁴⁰ Answering his own rhetorical question as to whether the CCP would ultimately "establish a dictatorship of the proletariat and a one-party system, as they have done in Russia," Mao stated: "Chinese history will determine the Chinese system. A peculiar form—a new democratic state and regime of a union of democratic classes—will be produced which will be entirely necessary and rational to us and different from the Russian system." The Chinese Communist system since 1949 evidently corresponds to the "peculiar form" foreseen by Mao in 1945—that is, "new democracy," updated. The Constitution for "the transition to Socialism" does not specify the form of class organization and relations ("state form") in an eventual Socialist stage, but the abandonment of broad gauge united front

³⁹ The "line" was quite different during the "first united front" (1923–1927) in which CCP members joined the Kuomintang and were under direction to accept Kuomintang leadership. The first united front was explicitly directed by the Kremlin; while later united fronts were consistent with the 1935 directive of the Comintern, CCP practice in China under Mao Tse-tung developed its own unique applications.

⁴⁰ *Lun lien-ho cheng-fu* [On Coalition Government] (April 24, 1945), in *Selected Works*, Vol. 3, pp. 1029–1100, at p. 1061.

concepts would seem to be implied just as "Socialism" implies the liquidation or transformation of non-working class elements. In strict context, Mao's statements in 1945, just quoted, refer to Chinese experience in the "new democratic" stage, then still in the future; and not to Chinese experience in the yet more distant Socialist stage. Even so, they invite speculation over the possibility that historical circumstances might cause social and class relations in a future Chinese Socialist system to differ in particulars (if not in real substance) from those in a Soviet Socialist system.⁴¹ If that be speculation for the future, no doubt can exist for the present that Chinese and Soviet attitudes toward existing class relations differ notably.

The united front concepts which developed in China as a core-element in policy for more than a decade before the Communists took power were totally unknown in the comparable Russian decade prior to the Bolshevik Revolution of 1917. Before 1917, Lenin's Bolsheviks characteristically inveighed against "economism," "reformism," "revisionism," and similar heresies; in their corresponding decade, the Chinese Communists advocated an "Anti-Japanese National United Front," a "united front of democratic parties and groups," "people's new democracy," etc. The Chinese Communists and Chinese people have become accustomed to thinking about Socialism in somewhat different terms than the Soviet Communists; the socio-political situation within China may render a special Chinese formulation of "state form" in the Socialist stage necessary or useful, if only for the possible tactical advantages in meeting the special Chinese situation; and if Communist China is to exert greater revolutionary influence in neighboring Asian countries, avoidance of the harsher Soviet class line may appear advantageous.⁴²

⁴¹ The text just cited is "selected" in more ways than one! As compared with other editions of the same work—the 1949 edition of *Hsin min-chu ch'u-p'an she* (Hong Kong), for example—the paragraph following that from which the quoted passages are taken is entirely omitted. The omitted paragraph stresses the necessity for *some* form of "coalition government" in China into the indefinite future, even after a system of "democratic elections" might be instituted. It may be that the omitted paragraph⁵ of the unabridged version was a direct response to the political situation of the moment, at a time when the Kuomintang had the question of elections for the National Assembly under consideration and the CCP was making propaganda to influence the outcome, and was deleted from the official collection of Mao's works to avoid ambiguity. On the other hand, however, the reference that "Chinese history will determine the Chinese system" has such relevance to the basic attitudes of Mao Tse-tung that it may be difficult to understand how he could act in disregard of that canon at a later time.

⁴² Certainly I do not suggest that these differences entail possible Chinese Communist retreats from "Marxism-Leninism," or significant ideological conflicts between Chinese and Soviet Communists. There may be important differences, however, and they should be called to the attention of those who have studied Sino-Soviet relations from some other than the Chinese perspective, and who might thus jump to the conclusion that "Socialist society" in China would be conceived as an integral copy of the Soviet model. The M. SU-1 (1936) could hardly be identical with the M. C-1 of some time after 1954.

If for no other reason, Chinese who are able to reconcile Chinese Communist policy with a concept of Chinese national interest may wish to keep the vital Chinese characteristic alive.⁴³

In the sense of this analysis, the fundamental "state form" of "people's democracy" is the "broad people's democratic united front, composed of all democratic classes, democratic parties and groups, and popular organizations, and led by the CCP" mentioned in the Preamble to the 1954 Constitution.⁴⁴ Unless such a fundamental state form existed, the remaining language of Article 1 of the Constitution—a people's democratic state "*led by the working class and based on the alliance of workers and peasants*"—would be meaningless. Thus Liu Shao-ch'i makes explicit what is implicit: "This united front means an alliance based on, but broader than, the worker-peasant alliance, an alliance between the working people and all non-working people with whom cooperation is possible."⁴⁵ Subsequently, he declared: "In the society of our country there are people of other classes who love their country, and the State should make special efforts to rally them." If Liu is speaking for the benefit of other Asians, he announces a principle upon which they can reconcile their participation in the Communist-led united front of their own country with their love of Viet Nam, Laos or Cambodia, or another country. If he is speaking for Chinese, he suggests—against 4,000 years of Chinese history—something stronger than "love of country" as felt in Western societies, possibly incorporating the racist implications of Chiang Kai-shek's *China's Destiny* (1943)⁴⁶ without contradicting the "nationality [minority] policy" of his regime.⁴⁷

Thus the Constitution for the "transition to Socialism" achieves a kind of minor miracle by avoiding overt expressions of class-war doctrines, continuing to utilize a multi-class united front system, and substituting nationalistic and patriotic appeals consistent with the temper of the times. Two purposes, at least, are served: a device is developed to evoke mass response for the defense of the "Chinese People's Re-

⁴³ I have tried to suggest some aspects of the problem of "national interest" in a Communist China in "The United States and China: The Prospect before Us," *Yale Review*, Vol. 44, pp. 161-79, esp. pp. 171-77 (Winter, 1955).

⁴⁴ The corresponding text in the Preamble of the Common Program of 1949 read: "The Chinese people's democratic dictatorship is the State power of the people's democratic united front of the Chinese working class, peasantry, petty bourgeoisie, national capitalists, and patriotic elements based on the alliance of workers and peasants and led by the working class."

⁴⁵ *Report*, Pt. II (1).

⁴⁶ Authorized translation by Wang Chung-hui (New York, 1947).

⁴⁷ Constitution of 1954, Articles 3 and 67-72, *inter alia*. Liu, *Report*, Pt. II (4). The Chinese literature is substantial and voluble, but a helpful reference is *Min-tsu cheng-t'se wen-hsien hui-pien* [Collection of Materials on Nationality Policy] (Peking, Jen-min ch'u-pan she, 1953).

public" against domestic "traitors" and foreign "enemies"; and the subtle flavor of indirection is preserved for appropriate use in adjoining Asian countries which are "Next!" on Peking's action-list. A Chinese may still "live" with the new Constitution, and continue to feel Chinese.

IV

The "transition to Socialism" began with the establishment of the CPR in 1949, as the Common Program of 1949 (Articles 26-40) clearly suggested, and as *People's Daily* (Peking) took pains to point out in the editorial of November 9, 1953, at the beginning of the "fanfare" campaign over the "general line."⁴⁸ By that time, the "landlords," "feudalists," "imperialist lackeys and agents," "bureaucratic capitalists," "Chiang bandits," and other "counter-revolutionaries" had been substantially liquidated in the process of revolutionary "struggle." Names were named, objectionable classes were singled out for obliteration or transformation, and the "rivers ran red." In the "democratic reform," "3-Anti," and "5-Anti" movements of 1951-1952, the attack was turned upon the native Chinese industrialists and merchants—somewhat more obliquely because such members of one of the "4-classes" could not be attacked frontally without openly wrecking the "united front" and causing great economic loss to the state. But charges of "corruption," "bribery," "tax evasion," etc., against *individual* members of the "national bourgeoisie" proved, in the end, as effective as frontal assault; and, when the First Five-Year Plan began in 1953, a large part of the sector of private capitalist enterprise had been brought under the control of the state-owned sector, in one way or another. Thus, state-owned (Socialist) and private-owned economy in principle stand side-by-side, even though the fate of the latter has already been decided. Such apparent contradiction, as Liu Shao-ch'i explained, "simply reflects the contradictions existing in real life," but various concrete measures "concerning the transition to a Socialist society . . . are aimed at correctly solving this contradiction."⁴⁹ The principal operating methods of the transition are to be economic, in terms of the economic pressures that the Socialist sector of the economy will be able to exert to transform the non-Socialist sectors; existing private forms of ownership, including private ownership of peasant lands and handicraft works, are to be transformed into Socialist forms; and, without suggesting that a single class (with the possible exception of the rich peasants) is to be liquidated as such, the transformation of existing private forms of ownership would also "transform" the class status of individuals.

⁴⁸ See note 2 above.

⁴⁹ *Report*, Pt. II₂(2).

Article 4 of the Constitution provides the key: "The CPR, by relying on the organs of state and the social forces, and by means of Socialist industrialization and Socialist transformation, ensures the gradual abolition of systems of exploitation and the building of a Socialist society."

An interpretation of the socializing process pursuant to Article 4 is suggested in the following schematic form:

- A. *Objective*: "The gradual abolition of systems of exploitation and the building of a Socialist society"—i.e.,
 1. The suppression of private economy ("gradually," "step by step," "according to plan") leads to
 2. Elimination of "exploiting classes," and produces
 3. A society in which all productive activity is conducted within the sphere of "Socialist ownership of the means of production."
- B. *Operating Means toward the Objective*: "Socialist industrialization and Socialist transformation"—i.e.,
 1. The utilization of the sector of production now socialized, or to be socialized during the transition,
 - a. To control, reform, and absorb non-socialized industry, and
 - b. To exert decisive influence upon the non-industrial sectors of the economy (by control of raw materials allocations, production and distribution of agricultural implements, chemical fertilizers, etc., commodity supply and distribution agreements, etc.);
 2. The Socialist "transformation" of the existing non-socialized ownership of means of production into "Socialist ownership" by appropriate policies toward peasants in general and "rich peasants" in particular, private handicraftsmen, and private capitalists in industry and commerce (as developed in Articles 6-10 of the Constitution).
- C. *Control and Direction*: "The organs of state and the social forces"—i.e.,
 1. The CCP as "leader" stands behind organs and forces to coordinate all operations at the extra-constitutional level;
 2. The "organs of state":
 - a. Economic organs:
 - (1) State Planning Commission and other planning agencies;
 - (2) Ministries engaged in production-operations in the light and heavy industries (such as Machine-building, Food, Fuel, Textiles, etc.);
 - (3) Ministries engaged in investment, management, and distribution activities (such as Finance, Commerce, Geology, Agriculture, Water Conservancy, Forestry, etc.);
 - (4) Ministries performing mixed or service functions (such as Railways, Communications, Labor, Public Health, Education, Higher Education, etc.)

[Note: The classification of ministries and other economic agencies

will vary according to the specific character of the control or direction sought.]

b. Political organs:

- (1) General policy direction by Chairman, Vice-chairman, Chairman of Standing Committee of the NPC, and Premier of the State Council, and appropriate agencies;
- (2) Military apparatus (National Defense Ministry, armed forces, urban and rural militia, etc.);
- (3) Non-military apparatus, including para-military (Ministries of Public Security, Supervision, Justice and Interior; Procurator-General; people's courts, etc.);

c. Other.

3. The "social forces":

- a. Organized masses (students, youth, women, scientific and literary workers, etc.);
- b. Organized producers (trade unions, cooperatives, industrial and commercial federations, peasant associations, etc.);
- c. Satellite political parties.

The Socialist Economy. According to the Constitution (Articles 5-7), "Socialist economy" is based on "state ownership" and "cooperative ownership," and occurs in the forms of (1) state-owned economy ("owned by the whole people") and (2) cooperative economy ("collectively owned by the working masses"). As a variation on the latter, "cooperative economy" may occur as a semi-Socialist economy "in part collectively owned by the working masses." The state-owned economy is described as "the leading force in the national economy and the material basis on which the State carries out Socialist transformation"; and priority of its development is "ensured" by the state. The state will encourage the growth and development of cooperative economy, but the Constitution is silent on the economic character of the "cooperative economy . . . collectively owned by the working masses." Stalin is understood by Chinese Communists to have pointed out that "collective farm property" must be elevated "by means of gradual transition . . . to the level of public property" during the transformation of Socialist economy into Communist economy.⁵⁰ For China, this transformation must be a project for the long future; and other considerations may have rendered it desirable to avoid the issue at present. The semi-Socialist economy of "the cooperative that is partially under the collective ownership of the working masses" (such as agricultural pro-

⁵⁰ Commentary on Stalin's *Economic Problems of Socialism in the USSR* (Oct., 1952), in the important leading *JMJP* editorial of Oct. 30, 1952; NCNA, Peking, Oct. 30, 1952; *DNR*, Oct., 1952, p. 286.

ducers' cooperatives and supply and marketing cooperatives greater attention; it is "the chief transitional form for the transformation of agriculture and handicrafts."⁵¹ Therefore, "protects the property of the cooperatives, encourages, guides the development of cooperative economy" (Article 7). Thus owned and cooperative economies are the favored and expanding forms of economy, and the "transition to Socialism" extends into areas in which non-Socialist economy now operates.

Non-Socialist Economy. The Constitution of 1954 (Articles 10-12) identifies non-Socialist ownership as: (1) "ownership by the working people" (peasants and handicraftsmen); and (2) "private ownership." These non-Socialist forms of ownership enjoy the protection of the state "according to law," but the express policy of the state is to transform them into Socialist forms. "The peasants" and "handicraftsmen and other non-agricultural people" are promised parallel treatment: they are to be "guided and helped" to take part "voluntarily" in appropriate cooperative transformations.

The Chinese Communist leadership has fully recognized the role of the vast Chinese peasantry in the process of "Socialist transformation," and for the present great emphasis is placed on "voluntary" cooperation. But, on fundamentals, Teng Tzu-hui, Director of the Rural Work Department of the CCP, declared in 1953: "We do not permit our rural economy, following the conclusion of the reform, to remain forever in the present stage of the individual ownership of small production and small private ownership."⁵² In that Report, Liu Shao-ch'i looked upon the future of the peasantry from the viewpoint of eventual proletarian leadership:

Continuous consolidation and strengthening of the worker-peasant alliance is the basic guarantee of successful leadership by the working class.

⁵¹ Liu, *Report*, Pt. II (2), paraphrasing Article 7 of the Constitution.

⁵² *CB*, No. 255 (Aug. 10, 1953) gives the entire document in full translation. ' *People's China*, No. 17 (1953), pp. 7-11 (Sept. 1, 1953) is abridged and bowdlerized to a remarkable degree.

⁵³ *People's China*, No. 13 (1953), supp. (July 1, 1953) has a presumably complete translation of the Decisions. Subsequently, the Central Committee adopted on July 1, 1953, a "Decision on the Development of Agriculture Producer Cooperatives" to secure the foundations for later collectivization. NCNA, Peking, Jan. 8, 1954, translation, see *CB*, No. 278 (Feb. 15, 1954).

course of gradual transition to Socialism, the peasants are bound to change, and have, in fact, begun to do so. The change takes the form of gradual transformation of individual peasants leading a precarious life, into Socialist, co-operative farmers.⁵⁴

Rich-peasant Economy. The "rich peasant" is the exception to the hope that the Socialist transformation of the countryside can be effected by wholly peaceful measures, and is evidently being prepared as the scapegoat for the policy of rural collectivization. The Constitution (Article 8) declares that state policy "is to restrict and gradually eliminate" the rich peasant economy, thus reversing the policy of "protection" incorporated in the Agrarian Reform Law of June 30, 1950.⁵⁵ By eliminating the rich peasantry, the regime evidently intends to remove the principal obstacle to the "voluntary" cooperativization of the other peasants. Liu Shao-ch'i dangled a small carrot before the rich peasant: if he has "already given up exploitation" (usury, the employment of labor, etc.) he may, if the other peasants agree, be permitted to join the cooperative under "certain conditions and continue to reform" himself. In this way, he may escape the impact of the future "struggle" against him, and escape the punishment promised rich peasants found "guilty of disruption." In other words, if the rich peasant does not quickly assimilate himself to the status of the ordinary middle peasant he will face the personal liquidation and social ostracism that has already befallen the landlord.

Capitalist Economy. Private capitalist ownership in industry and commerce is also to be "protected . . . according to law," but the declared policy of the State is to "use, restrict, and transform" private capitalist economy (Article 10). The doctrine on this question is complex, just as the subject is complex. It begins from the premise stated by Liu Shao-ch'i that during the transition period "the national bourgeoisie has a definite status in political life"⁵⁶ (which cannot be said for the unreformed rich peasant). Therefore, the state (1) will use the "positive qualities of capitalist industry and commerce" which are

⁵⁴ Pt. II (1). In his separate report to the NPC on September 23, 1954, Premier Chou En-lai expressed "hope that by the end of the First 5-Year Plan [i.e., ca. 1957], over one-half of all peasant households throughout the country will have joined the agricultural producer cooperatives, and over half the land will be pooled in the cooperatives." *DNR*, supp. to the issue of Sept. 27, 1954; *People's China*, No. 20 (1954), pp. 3-31, at p. 10 (Oct. 16, 1954).

⁵⁵ With other relevant documents, including Liu Shao-ch'i's report on the same subject, in *T'u-ti kai-ko shou-ts'e* [Agrarian Reform Handbook] (Peking, 1950); *The Agrarian Reform Law of the People's Republic of China* (Peking, Foreign Languages Press, 1950) offers the essential materials in translation.

⁵⁶ *Report*, Pt. II (1).

adjudged "beneficial"; (2) will *restrict* "their negative qualities"; and (3) will "encourage and guide their *transformation* into various forms of state-capitalist economy, gradually replacing capitalist ownership with ownership by the whole people" (Article 10). "State capitalist" economy⁵⁷ is the principal form of transition in this respect, but the transformation need not be hastened so long as a controlled capitalist sector of the economy is able to "make a definite contribution to the State in such fields as expanding production, accepting Socialist transformation, improving management of enterprises and productive technique, and educating and training skilled workers and technicians."⁵⁸ The capitalist who does not resist the course of events is promised "proper arrangements" for his life and work in the future, and may retain his political rights, or so Liu Shao-ch'i said in speaking of the "great difference between this and our policy toward the class of feudal landlords." But in thus supporting the policy of "peaceful struggle" in this sector, Liu shook his gloved fist:

The idea that there is no longer class struggle in our country is completely wrong. Punishment will have to be meted out to those capitalists who engage in unlawful pursuits or disruptive activity. It is inconceivable that there should be no complicated struggle as we pass from the process of restricting capitalist exploitation to that of eliminating it. But the aim can be achieved by peaceful struggle, through the control of the administrative bodies of state, the leadership of the state-owned economy, and the supervision of the mass of workers.⁵⁹

The Intellectuals. Since intellectuals are held to emerge from "different social classes," they "cannot by themselves form an independent social class."⁶⁰ According to the official doctrine, when intellectuals align themselves with the working people "they become working class intellectuals"; when aligned with the bourgeoisie, "bourgeois intellectuals." The state "must take care to rally all intellectuals, except the handful of reactionary intellectuals, . . . [and] help them to remould their ideology and devote their ability to the cause of building Social-

⁵⁷ State-capitalism is private capitalism brought under the control of the state-owned sector by joint public-private operation or by more recent arrangements in which private industry is made to depend for existence and operation upon favorable contracts concluded with state agencies.

⁵⁸ Liu, *Report*, Pt. II (1). According to the State Statistical Bureau's Communique on Fulfilment of the 1953 State Plan, released by NCNA, Peking, Sept. 13, 1954, *DNR*, Sept., 1954, pp. 140-41, private industry in 1953 accounted for 38 per cent of the total national *industrial* output in terms of value, as compared with 53 per cent for state-owned industry and nine per cent for joint public-private enterprises. The trend for private industry is "down," but for the present the state relies heavily upon the not inconsiderable proportion of the National industrial output contributed by private capital.

⁵⁹ *Report*, Pt. II (2).

⁶⁰ Liu, *Report*, Pt. II (1).

ism." Liu treats this question in his *Report*, in effect explaining why the Constitution bypasses the issue; intellectuals, as such, have no ownership of means of production and therefore have nothing to be transformed.

V

The Constitution of 1954 consists of a Preamble and 106 articles distributed over four chapters. The programmatic aspects of the Constitution are developed principally in the Preamble, in Chapter I (Articles 1-20), "General Principles," and in Chapter III (Articles 85-103), "Fundamental Rights and Duties of Citizens." Chapter II (Articles 21-84), "State Structure," accounts for about two-thirds of the lineage of the Constitution and is the depositary for institutional arrangements bearing upon "government form." The Constitution introduces several innovations which distinguish the new governmental system from that set up under the Common Program and organic laws of 1949; and in several respects, forms of government in Communist China vary from the Soviet pattern. These changes and differences occur at the relatively superficial level of government structure, and entail no real issues of fundamental constitutional principle, but several of them have technical interest which will be briefly noted here:

1. The constitutional status of the Chairman of the Chinese People's *Republic* (Articles 39-46) is evidently stronger and more independent than that of Chairman of the Central People's *Government* under the Organic Law of 1949 and distinguishes Chinese government from Soviet government under the Constitution of 1936. The Chairman (Mao Tse-tung) is elected for a fixed term (four years) by the National People's Congress (NPC), which may also remove him. He is assigned specific competencies, especially in foreign and defense affairs, which may be exercised without reference to the NPC; and he may assume an independent initiative in the appointment and removal of certain high-level public personnel. As "chairman," he presides over the new National Defense Council and the new Supreme State Conference. Liu Shao-ch'i's *Report* develops a formula to reconcile the status of the Chairman with the "supreme state power" of the NPC, and to that extent nominally salvages the principles of "democratic centralism" and "collective head of State." The plain language of the Constitution creates an office for which no parallel is found in Soviet public law, and Mao's constitutional status is placed above any status in government enjoyed by Stalin (or Malenkov).

2. An independently elected Vice-chairman (Chu Teh) succeeds to the chairmanship in the event of inability or vacancy, thus providing

for a constitutional line of succession—which may differ from the party's line of succession. The Vice-chairman performs no distinctive functions other than those which may be devolved upon him by the Chairman.

3. The Supreme State Conference is a new organ—convened by the Chairman of the CPR, presided over by him, and consisting of himself, the Vice-chairman, the Chairman of the Standing Committee of the NPC (Liu Shao-ch'i), and the Premier of the State Council (Chou En-lai) as permanent members, in addition to "other persons concerned." The Supreme State Conference may submit its views "on important affairs of state" to any other state organ for "consideration and decision." The present constitutional membership of the Conference consists of the four leading members of the CCP Politburo, and the Conference may be the device through which the core leadership of the CCP is brought into a key position in the government structure.

4. The NPC finally assumes the place in the Chinese Communist system of government corresponding in general to that of the Supreme Soviet in the Soviet Union. The NPC is, however, a unicameral body, larger than any other single legislative chamber (1226 members, fixed by law). It is "the highest organ of state power" (Article 21), and "the only organ exercising the legislative power of the State" (Article 22). It exercises 13 specified functions and powers, including that of amending the Constitution (by two-thirds majority vote), and "such other functions and powers as [it] considers necessary" (Article 27). Under the Election Law of 1953,⁶¹ all of its members are indirectly elected, most of them by provincial and municipal people's congresses, which are also elected indirectly; and special constituencies are created for the armed forces, overseas Chinese, and national minorities. The actual designation of the deputies to be elected by the "electing" bodies in 1954 was made at the central government level, through the National Committee of the CPPCC,⁶² and central government commissions for Overseas Chinese Affairs and Nationalities Affairs. The "blanketing in" of the system of people's congresses, including the NPC, by the Constitution was achieved without notable effect upon previous hierarchical practices of "democratic centralism."

5. The Standing Committee of the NPC (Chairman: Liu Shao-ch'i)

⁶¹ *DNR*, March, 1953, pp. 15–19. For official commentary by Vice-Premier Teng Hsiao-p'ing, see *DNR*, March, 1953, pp. 21–24, 31–34.

⁶² A new constitution for the CPPCC, replacing the organic law of September 27, 1949, was adopted by the Second National Committee of the CPPCC on December 25, 1954. The text of the new constitution has not become available, but Premier Chou En-lai's explanation of December 26 indicated that the CPPCC (and its lower level counterparts) would continue to be consulted on the nomination of candidates for election to the NPC (and local people's congresses). Peking Radio, December 25 and 26, 1954.

exercises the principal functions of the NPC *ad interim* with wide powers of decree, and is the Chinese counterpart of the Presidium of the Supreme Soviet of the U.S.S.R. However, since the Chairman of the CPR has a separate constitutional position, the Chairman of the Standing Committee of the NPC does not enjoy the prestige of the Chairman of the Presidium of the Supreme Soviet.

6. The new State Council (Premier: Chou En-lai) supplants the former Government Administration Council, and is the "highest administrative organ of the State" (Article 47). The State Council "guides the building up of the defense forces" (Article 49), and thus gains in status by the apparent dissolution of the People's Revolutionary Military Council—which had exercised supreme military authority over military affairs under the Organic Law of 194. A new Ministry of Defense is established within the State Council by organic law (first Minister: P'eng Te-huai); and other changes in internal structure strengthen the position of the Premier in administration.

7. A new National Defense Council, elected by the NPC on nomination of the Chairman of the CPR—who "commands the armed forces of the country"—*may* have succeeded to the general responsibility for overall military direction, in place of the former People's Revolutionary Military Council, leaving the Ministry of Defense and Premier to be concerned with military housekeeping. The functions of the National Defense Council are nowhere stated, however, and an evident effort has been made to prevent foreigners from learning too much about command relationships. Conceivably the People's Revolutionary Military Council may have survived the transition by resuming its pre-1949 form as an organ of the CCP.

The adoption of the Constitution of 1954 also served as an instrument (or pretext) for effecting certain political changes involving the status of individuals and of leaders of minor parties, but these questions lie beyond our present scope.

IDEOLOGY AND LEADERSHIP IN PUERTO RICAN POLITICS

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Far and away the most powerful force in the political life of the Commonwealth of Puerto Rico is the Popular Democratic party (*Partido Popular Democrático*, or PPD). Since 1945 elected representatives of the party have held the office of Resident Commissioner in Washington and more than two-thirds of the seats in both houses of the insular legislature. Since the election of 1948 the president of the party, Luis Muñoz Marín, has been Governor of the island. Inasmuch as there are no other elective officials in the executive branch, gubernatorial appointees loyal to the party and its program fill all the top policy-making and administrative posts. And because the Governor also appoints all judges, the percentage of *Populares* on the Commonwealth bench is understandably high.

The party's control over the insular government is a direct result of its extraordinary showing at the polls. Its island-wide candidates have never received less than 60 per cent of the total vote in any election save that of 1940, the first in which a Popular Democratic ticket was on the ballot. In the most recent election, that of November 4, 1952, the Popular candidate for Governor received a record 65 per cent of the votes cast. All other Popular candidates won by similar if somewhat smaller margins, not only on the insular level but also in senatorial and representative-district contests and in municipal elections. As a result of the 1952 balloting, every one of the seventy-six *municipios* into which Puerto Rico is divided has a Popular mayor and none but Popular councilmen.¹

The purpose of this discussion is to shed some light on the nature of Puerto Rican politics by canvassing the reasons for the marked success of the Popular Democratic party in gaining and holding the support of the electorate. At the outset, it is well to dismiss electoral fraud or coercion as possible explanations. Puerto Rican elections have been singularly free, honest, and peaceful ever since the Popular party first came on the political scene—a state of affairs for which the party itself is in no small degree responsible. One of its earliest and most striking achievements, it may be noted, was the virtual abolition of vote-buying, a practice which had distorted the electoral process since the turn of the century.

Before going any further, it is also advisable to dissociate the Puerto Rican type of dominant-party politics from the "one-party" politics of the South in the United States. The two have little or nothing in common, despite the fact that the predominance of the Popular Democratic party in Puerto Rico might

¹ For the 1952 election data on which the above comments are based, see William M. Amy, *Estadísticas de las elecciones celebradas en Puerto Rico el 4 de noviembre de 1952*, 2nd ed. (San Juan, 1952).

seem to correspond to that of the Democratic party in the Southern states. The Democratic party in most parts of the South is not a party at all but a congeries of factions,² whereas the PPD is a highly centralized and well-disciplined organization in which factionalism seldom arises, even in its local branches. In the South the real election is the primary, in which the factions of the Democratic party compete for nominations that are tantamount to election; as a consequence voter participation in general elections ordinarily is low. In Puerto Rico, on the other hand, direct primaries are rarely held (nomination is by party convention), and voters and parties alike regard general elections as significant contests. Despite their dim prospects, the minority parties wage vigorous campaigns, and the voters turn out in large numbers on election day. Only once since the Popular party entered the electoral lists have less than 75 per cent of the registered voters gone to the polls.

In short, the Popular Democratic party carries elections by authentic land-slides, and the results may safely be said to reflect the will of the people. The problem then remains to identify the causes of the party's popularity. These are essentially two: the attractiveness of the PPD program of economic and social reform, and the personal appeal of the party's founder and leader, Muñoz Marín. The first of these factors ministers to deeply felt but long-neglected physical needs of the vast majority of Puerto Rican people; the other caters to psychological needs which, although historically conditioned, are deep-rooted and widespread in the island. The popular support of the PPD is thus grounded on the party's effective response to basic human demands.

I. THE POPULAR DEMOCRATIC PROGRAM: THE IDEOLOGICAL FACTOR

Two facts about Puerto Rico must always be kept in mind in any attempt to understand the politics of the island. One is colonialism, the other poverty. For four centuries Puerto Rico was a colony of Spain and for another half-century a non-self-governing territory of the United States. Royal governors and their deputies ruled the island autocratically until the last days of the Spanish regime; the reforms decreed in 1897 were only beginning to take effect when the armed forces of the United States occupied the island during the Spanish-American War.³ In 1900 Congress began the period of American civil

² See V. O. Key, Jr., *Southern Politics* (New York, 1950), *passim*, esp. pp. 298-310, 406-9.

³ In a last-ditch but singularly unsuccessful attempt to bring an end to the insurrection in Cuba, and thus to avert armed intervention by the United States, the Spanish Crown on November 25, 1897, issued three decrees liberalizing the governments of Cuba and Puerto Rico. The first decree, the so-called Autonomic Charter of the Antilles, granted a considerable measure of self-government to the two colonies; the second instituted universal manhood suffrage; and the third brought Cubans and Puerto Ricans under the protection of the bill-of-rights provisions (Title I) of the Spanish Constitution of 1876. The first two decrees are translated in *Laws, Ordinances, Decrees, and Military Orders Having the Force of Law, Effective in Porto Rico May 1, 1900* (Washington, G.P.O., 1909), Part III, pp. 1821-61. For the text of Title I of the 1876 Constitution, see *Documents on the Constitutional History of Puerto Rico* (Washington, Office of Puerto Rico, n.d.), pp. 9-12. The Puerto Rican parliament elected under the Autonomic Charter convened on July 17,

control by giving the Puerto Rican people a taste of self-rule; but only gradually thereafter did it increase the portion, and not until 1952 did it relinquish its power to overrule insular legislation and to determine the basic law of the island.⁴

Throughout both colonial regimes all but a small fraction of the people remained at or near a subsistence level of existence. Cash incomes were always

1898; on the 25th American troops landed on the south coast of the island; on the 28th the parliament disbanded, never to reconvene. See José A. Gontán, *Historia Político-Social de Puerto Rico* (San Juan, 1945), pp. 316-18.

⁴ The Organic Act of 1900 (the so-called Foraker Act, 31 Stat. 77) permitted the Puerto Rican people to control their own municipalities, to send a Resident Commissioner to Washington, and to elect the members of the lower house of the insular legislature, but it vested in the President the power to appoint the Governor, the justices of the Supreme Court, and the members of the upper house (called the Executive Council, an eleven-man body, six members of which served as heads of the executive departments).

The Organic Act of 1917 (or the Jones Act, 39 Stat. 951) made the upper house elective, authorized the Governor to appoint most of the department heads, and extended United States citizenship to the people of Puerto Rico. A 1947 amendment (usually called the Elective Governor Act, 61 Stat. 770) made the governorship an elective office, but the Auditor and the Supreme Court justices continued to be presidential appointees until the Commonwealth Constitution took effect.

The drafting of a constitution by the Puerto Rican people was authorized in 1950 by Public Law 600 of the 81st Cong., 2d sess. (64 Stat. 319), enacted "in the nature of a compact" with the people of the island. This act did not take effect until ratified by the latter in a referendum. The constitution was thereupon drafted by a constituent assembly, ratified by the Puerto Rican people, and approved by Congress (66 Stat. 327, 1952). It took effect on July 25, 1952, thus bringing the Commonwealth into being. See Victor Gutiérrez Franqui and Henry Wells, "The Commonwealth Constitution," *The Annals of the American Academy of Political and Social Science*, Vol. 285, pp. 33-41 (Jan., 1953).

Under the terms of Public Law 600, about half of the Organic Act of 1917 was repealed upon the taking effect of the new constitution. By the repeal of Section 34 of the Organic Act, Congress gave up its right to annul insular legislation and withdrew the right of the President to uphold gubernatorial vetoes of such legislation. Other repealed sections included a bill of rights and provisions relating to the structure and powers of the insular government.

Public Law 600 kept the remainder of the Organic Act in effect under a new title: the Puerto Rican Federal Relations Act. The latter contains provisions concerning the Resident Commissioner, U. S. citizenship, the applicability of federal laws to the island, economic privileges originally granted to Puerto Rico in the Organic Act of 1900, and other matters.

Although still in the process of definition, commonwealth status is the product of all these changes. Its basic meaning is that Puerto Rico is self-governing in local affairs under a constitution of its own adoption and that its relations with the United States are those of association based upon the principle of consent as recognized in a compact with the federal government. Puerto Ricans continue to be citizens of the United States and are subject to most federal laws of general application. They do not have voting representation in Congress or the right to participate in presidential elections, but on the other hand they pay no federal taxes. For a description of commonwealth status and a discussion of possible avenues of future development of the commonwealth relationship, see Luis Muñoz Marín, "Puerto Rico and the U. S., Their Future Together," *Foreign Affairs*, Vol. 32, pp. 541-51 (July, 1954).

very low: as late as 1940 the average annual net income was only \$122 per capita. Most workers were landless agricultural laborers who had only seasonal employment. The great bulk of the population, whether urban or rural, suffered from chronic malnutrition and lived in one or two-room shacks devoid of sanitary facilities of any kind. These conditions bred the familiar vicious circles of underdeveloped economies. Poverty made for widespread illiteracy and enervating disease; these factors resulted in low labor productivity, and this in turn perpetuated economic distress. Similarly, the high birth rate, a familiar concomitant of poverty, combined with a declining death rate to produce a constantly growing population; ever more mouths to feed exerted on relatively static resources a pressure that resulted in an ever-declining standard of living.⁵

Neither Spain nor the United States made any serious attempt to solve these economic problems. The history of Spanish policy toward Puerto Rico indeed gives little evidence that the welfare of the inhabitants was ever taken into account. The American record looks somewhat better—various “Yanqui” governors tried, mainly with insular funds, to improve conditions by developing a public school system, establishing public health services, and building roads and other public works—but even so the United States’ attitude toward Puerto Rico’s economic troubles was basically one of indifference and neglect.

Until about 1940 this attitude was shared by most of the island’s political leaders. Economically secure themselves as members of the numerically insignificant middle and upper classes, the native *políticos* tended to pay little heed to the plight of their less fortunate fellow citizens. Their chief concern was the colonial status of their homeland, a preoccupation characteristic of the educated classes in most dependent areas the world over. From the early nineteenth century onwards, Puerto Rican intellectuals and party leaders were familiar with the anti-colonial doctrines of liberalism and acutely conscious of the successful efforts of their Latin American cousins in throwing off the colonial yoke. The political elite of the island therefore spent most of their time attacking the colonial system and arguing among themselves over the changes that should take place in the political *status quo*.

The Status Issue in Insular Politics. From 1900 to 1940 the status issue was the dominant theme in Puerto Rican politics. On one point the three political parties of the island were in complete and clamorous agreement: they were dissatisfied with the amount of self-government granted to Puerto Rico and with the failure of Congress to declare itself on the question of the island’s ultimate political status. The parties differed, however, in their conceptions of what that ultimate status should be.

The Republican party, founded in 1899 by Dr. José C. Barbosa and the majority party from 1900 to 1905, advocated admission of Puerto Rico to the Union as a state—a position to which the party has remained committed down to the present day.

The Union party, founded in 1904 by Luis Muñoz Rivera and the majority

⁵ See Harvey S. Perloff, *Puerto Rico’s Economic Future* (Chicago, 1950), esp. pp. 3–9, 21–37, 159–67, 196–209.

party from 1905 to 1930,⁶ was less consistent. At first it declared itself in favor of any one of the following solutions: local home rule, statehood, or independence under a U.S. protectorate. In 1913 the Unionists dropped the statehood plank from their platform, but the party continued to be divided on the status issue. A few of its leading members still looked upon statehood as the ideal solution; a few others, led by José de Diego, called for immediate independence; still others wanted autonomy or home rule under the American flag.⁷ The line taken by most Unionists, however, was the moderate position held by Muñoz Rivera at the time of his death in 1916: immediately increased powers of self-rule, to be followed eventually by independence. Under Antonio R. Barceló, Muñoz Rivera's successor as party leader, the Unionists (after 1931, the Liberals) continued officially to reject the extremist solution of immediate independence despite the development of strong support for that policy in the early thirties under the leadership of Muñoz Rivera's son, Luis Muñoz Marín. In 1936 Muñoz Marín and his followers were expelled from the party because of their intransigence on the independence question.

The Socialist party was the only one of the three main parties which was prominently identified with a program of social and economic reform, but it too was involved in the status controversy. A latecomer in insular politics—it did not achieve an island-wide organization until 1915—the party began as the political arm of Puerto Rico's first labor movement, the *Federación Libre de los Trabajadores de Puerto Rico*, which in 1901 had become affiliated with the American Federation of Labor. Hence the party was strongly oriented toward permanent association with the United States, Americanization of the island, and eventual statehood for Puerto Rico. At first the party emphasized its reform program and as a result won enough support⁸ among urban and rural workers to give serious concern to the economically conservative Unionist and Republican leaders. In 1924, however, the Socialists joined with the pro-statehood Republicans to form an electoral grouping known as the Coalition, and thereafter a statehood emphasis tended to overshadow their commitment

⁶ In 1897 Muñoz Rivera had founded the Liberal party, which in 1899 became known as the Federal party. In 1904 its name was changed again to *Partido Unión de Puerto Rico*. In 1924 and 1928 Unionists were elected to office as the dominant partners in an electoral grouping known as the Alliance, the other members of which were dissident (i.e., non-statehood) Republicans. In 1929 the Alliance fell apart and in 1931 the Unionists reorganized themselves as the Liberal party.

⁷ In its 1922 convention the Union party adopted a platform calling for the creation of an Associated Free State (*Libre Estado Asociado*) in terms that clearly anticipate the Commonwealth status recently achieved. It is to be noted that the word "Commonwealth" is rendered *Estado Libre Asociado* in the Spanish text of the new constitution (Art. I, Sec. 1). See Antonio R. Barceló, "El Partido Unión de Puerto Rico," in *El Libro de Puerto Rico* (San Juan, 1923), pp. 194-200.

⁸ In the election of 1917, the Socialist ticket polled 24,468 votes, or 14 per cent of the total. In the 1920 election, it polled 59,140 votes, nearly 24 per cent of the votes cast. See *Candidatos elegidos y proclamados en las elecciones celebradas el 16 de julio de 1917* (San Juan, 1917) and *Estadísticas de las elecciones celebradas el 2 de noviembre de 1920* (San Juan, 1920).

to economic reforms. In control of the legislature from 1930 to 1941, the Coalition turned in an undistinguished performance, advancing only slightly the cause of social and economic welfare and making no progress toward statehood.⁹

Two things must be noted concerning the politics of status as engaged in by all three parties before 1940. The first is that many political leaders were apparently less interested in the achievement of any one type of political status than in the advancement of their own political fortunes. The history of this period is full of examples of politicians switching from one party to another despite the parties' ideological differences, and it is also marked by a series of party splits and mergers. Although these factional disorders often rang with protestations of "status" principles, they were for the most part occasioned by rivalries and disputes among the leading members of the political elite. The evidence suggests that for a considerable number of those leaders the symbols and catch-words of political status were simply weapons for waging a domestic power struggle.

The other feature of the pre-1940 period is that its political controversies were never very meaningful to the great mass of voters. Inasmuch as these ordinary citizens, the rural and urban poor, did not associate their poverty with the political *status quo* and did not regard themselves as victims of colonial exploitation, they could not get excited about the status issue. The early growth of the Socialist movement suggests that they might have taken a more active interest in politics if the Socialist leaders had not aligned themselves with the Republicans. But by that action the Socialists obscured the issue of economic reform and largely forfeited the advantage they seem to have had as the only party concerned primarily with the basic needs of the average voter. For most of this period, therefore, the vast majority of Puerto Ricans were bystanders on the political scene. Seldom consulted by their "betters," they were active only on election day, when their participation tended to be limited to voting as they were told to vote by their landowner or employer or as they were paid to vote by the highest bidder.

Rise of the Popular Democratic Party. After his expulsion from the Liberal party in 1936, Luis Muñoz Marín took the unusual course of living for a time among the country people and talking to them about their problems. He discovered that they were not disturbed by Puerto Rico's then colonial relationship with the United States. He learned moreover that they were not in favor of independence because they were afraid of the consequences that might

⁹ For details concerning the programs and activities of the three parties, see Barceló' "El Partido Unión," and "American Rule in Porto Rico, 1899-1924," *Current History*, Vol. 21, pp. 511-17 (Jan., 1925); Sebastián Dalmau Canet, *Luis Muñoz Rivera: su vida, su política, su carácter* (San Juan, 1917), pp. 274-396; Santiago Iglesias, "Partido Socialista," and Prudencio Rivera Martínez, "Federación Libre de los Trabajadores de Puerto Rico," in *El Libro de Puerto Rico* (cited previously), pp. 208-14, 898-902; Iglesias, *Luchas Emancipadoras* (San Juan, 1929); Antonio S. Pedreira, *Un Hombre del Pueblo: José Celso Barbosa* (San Juan, 1937), pp. 133-54.

ensue—political instability and civic disorder of the Central American variety—if Puerto Rico were to become a sovereign republic.¹⁰ He also learned firsthand the depths of their economic distress and the need they felt for governmental action to better their lot.

This last discovery struck a responsive chord in Muñoz, for he had long espoused a reformist position on social and economic matters. In his youth, both in the United States and in Puerto Rico, he had been a Socialist and had written a number of articles calling attention to the desperate straits of most of the Puerto Rican people, to the wealth drained annually from the island by American-owned sugar corporations, and to the need for land reform and industrialization.¹¹ During the depression he had joined his late father's party and in 1932 had been elected a Senator at Large on the Liberal ticket; although the Liberals were the minority party, it was Muñoz Marín, through his New Deal connections in Washington, who had arranged for the extension of federal relief funds to the island. Still more recently, only a few months before his expulsion from the Liberal party, he had attacked the Tydings bill for Puerto Rican independence on the ground that its provisions meant "complete ruin" for the island.¹²

As a result of the Tydings bill and of his talks with the country folk, Muñoz began to reconsider his commitment to independence and to give more attention to ways of solving the economic problems of the island. By the summer of 1938 he was ready to launch a political party that would waive the status question and address itself to the task of social and economic reform. Registered under the name Popular Democratic party and under the symbol of the *pava*, the highland farmer's broad-brimmed straw hat, the new organization took as its motto *Pan, Tierra y Libertad* (Bread, Land, and Liberty). During the next two years Muñoz and his followers carried their message personally to the landless workers on the plantations, to the poverty-stricken *jibaros* of the mountains, and to the slum-dwelling day laborers of the towns. Declaring that "status is not an issue," they pledged themselves to specific steps for promoting the welfare of the people. Every Popular candidate publicly took an oath to vote for an already drafted land-reform bill, for an income-tax measure, and for a minimum-wage law. Muñoz also urged the electorate not to sell their

¹⁰ Muñoz had long thought otherwise. In his twenties, while living in New York and trying his hand at poetry and free-lance journalism, he had written, "the sentiment for independence is real enough among the young fellows and the common people, and it only waits to be organized by a politician with some poetry in his make-up." "Porto Rico: The American Colony," *The Nation*, Vol. 120, pp. 379-82 (April 8, 1925).

¹¹ See especially Muñoz, "Porto Rico: The American Colony"; "The Sad Case of Porto Rico," *The American Mercury*, Vol. 16, pp. 137-41 (Feb., 1929); "What Next in Porto Rico?" *The Nation*, Vol. 129, pp. 608-9 (Nov. 20, 1929); and "T.R. of P.R.," *World's Work*, Vol. 60, pp. 21-24 (July, 1931).

¹² For Muñoz' comments on the Tydings bill (S. 4592, 74th Cong., 2d sess., introduced April 23, 1936), see *El Mundo* (San Juan, P. R.), April 24, 1936. Muñoz describes the bill's unsettling effect on his thinking about independence in "Development through Democracy," *The Annals of the American Academy of Political and Social Science*, Vol. 285, pp. 1-8 (Jan., 1953).

votes and to get into the habit of demanding results from those whom they elected to public office.¹³

Popularity of the PPD Welfare Program. In the general election of 1940, popular response to this new approach was sufficient to give the party tenuous control over the legislature—a one-vote margin in the Senate and another bare majority in the House thanks to the cooperation of two independents. Under Muñoz' dynamic leadership as President of the Senate and with the active support of Governor Rexford G. Tugwell, the *Populares* fulfilled their campaign promises and in addition enacted a bold program leading to diversification of agriculture, industrialization, and expansion of social services.

During the 1944 campaign, in which status was again declared not to be an issue, the Popular party ran on its record and promised to continue its efforts to raise the standard of living. This time the response was overwhelmingly favorable: the party captured every office it contested, including all but two seats in each house. Thus entrenched, the *Populares* pushed rapidly ahead with their welfare program. During the next four years they introduced profit-sharing among the workers on the sugar-cane plantations recently acquired by the government. They distributed among thousands of landless farm-worker families plots of ground large enough for a house and a vegetable garden. They established new medical centers, enlarged and modernized public hospitals, and built over two thousand new classrooms in the public schools. They moved over 30,000 persons from slums to low-rent housing developments. They established new parks and playgrounds, provided financial aid for the unemployed and the aged, and extended electric power for the first time to more than 150 rural communities.¹⁴

Returned to office by equally large majorities in 1948 and 1952, the *Populares* have continued to register social and economic gains for the Puerto Rican people. Among the most significant accomplishments of the period since 1948 has been the rapid industrialization of the island. Under the stimulus of a governmental program of aids and incentives known as Operation Bootstrap, over three hundred factories have been established, creating more than 25,000 new jobs and providing an annual payroll of about \$20,000,000. As of June 30, 1953, the average annual net income per capita had risen to \$426, as against the 1940 figure of \$122—well over three times the latter and representing a rise in real income of 74.6 per cent.¹⁵

¹³ The foregoing account of the changes in Muñoz Marín's thinking and of the founding of the PPD is based on conversations that I have had with Muñoz and with his associates of that period. For a lively description of the 1938-40 campaign, see Muñoz Marín, "Plight of Puerto Rico," *The New Republic*, Vol. 108, pp. 51-52 (Jan. 11, 1943). See also Otivo de Lieban Córdova, *Siete Años con Muñoz Marín, 1938-1945* (San Juan, 1945), pp. 39-96.

¹⁴ See Luis Muñoz Marín, *Historia del Partido Popular Democrático* (San Juan, 1952), pp. 16-20.

¹⁵ Figured in 1940 dollars, the 1953 per capita net income was \$213. See Office of Economic Research, Economic Development Administration, *The Net Income of the Commonwealth of Puerto Rico* (San Juan, 1953), p. 23, Table 10 as amended. For statistics on the expansion of industry, see Bureau of Economics and Statistics, Puerto Rico Planning Board, *Economic Report to the Governor, 1953* (San Juan, April, 1954), pp. 66-73.

By concentrating on the economic problems of the island, the Popular Democratic party has won the enthusiastic support of the common people who, prior to 1940, had been largely indifferent to party struggles. It seems clear that they have responded to the PPD not only because its welfare program has measurably improved their living conditions but also because the party has addressed itself to their primary concerns and hence has given them a sense of being valued on their own account. The traditional status-oriented parties were never able to evoke this feeling of identification and belonging among the masses.¹⁶ As a consequence, two of the three old parties have disappeared from the political scene: in the 1944 election the Liberal party failed to poll as much as 10 per cent of the popular vote and hence lost its legal standing; the same fate overtook the Socialists in the 1952 election. Of the three, only the Republican party remains, and its strength has declined with every election; in 1952 its candidate for Governor received only 13 per cent of the total gubernatorial vote.

It is not to be expected, however, that the Republican party will follow the other two into oblivion, for it constitutes the rallying point for what appears to be a stable minority of more than 10 per cent of the Puerto Rican electorate who value statehood above all other ideological considerations. There is likewise a minority firmly committed to the ideal of independence, and the Independence party, which it supports, seems also destined to remain in existence until Puerto Rico's political status is irrevocably determined. Founded in 1943 as the Congress for Puerto Rican Independence and registered as a political party in April, 1948, the *Partido Independentista Puertorriqueño* (the PIP) placed third in the 1948 election. In 1952 it attained second place, mainly at the expense of the other minor parties, and its candidate for the governorship received 19 per cent of the votes cast. The emergence of the PPD as a welfare-

¹⁶ Anthropological studies of selected rural areas and small towns in the late 1940's revealed a continuing lack of interest in the status issue on the part of the average Puerto Rican voter. One such study reports the following: "Investigation quickly discloses . . . that most of the inhabitants of the many small towns and of the rural areas are not intensely preoccupied with the question of Puerto Rico's colonial status. These people are too deeply involved in everyday problems of making a living, marrying, reproducing and raising children, and trying to enjoy a bit of recreation now and then to give thought to such complex, usually incomprehensible matters as political status, tariff advantages and disadvantages, or the position of Puerto Rico among the nations of the world. . . . Once the city and University are left behind, the status question is likewise left behind, for the rest of the island's population performs its daily activities seemingly unaware of, or indifferent to, the question of Puerto Rico's political status." Morris Siegel, "A Puerto Rican Town," unpub. manuscript (Social Science Research Center, University of Puerto Rico, 1948), p. 294. See also the following unpub. dissertations (Columbia University, 1951): Eric R. Wolf, "Culture Change and Culture Stability in a Puerto Rican Coffee Community," pp. 166-87; Sidney W. Mintz, "Cañamelar: The Contemporary Culture of a Rural Puerto Rican Proletariat," pp. viii/2-3; and Elena Padilla, "Nocora: An Agrarian Reform Sugar Community in Puerto Rico," p. x/25. These Columbia studies are the outcome of a project sponsored by the Social Science Research Center of the University of Puerto Rico and directed by Professor Julian Steward. They will soon appear in book form under the imprint of the University of Illinois Press.

oriented party has thus resulted in a reshuffling of party support and in a precipitation of die-hard statehood and independence advocates into ideologically "pure" status parties.

The PPD Commitment to Commonwealth Status: This is not to say that the Popular Democratic party has taken no position on the status issue: as early as 1943 the party began to get involved in the question. Muñoz, Governor Tugwell, and other leaders believed that, as far as Congress was concerned, the time was ripe to press for changes in the Organic Act which would grant more self-government to Puerto Rico and remove some of the stigmas of colonialism from the island's relations with the United States. Another factor leading to Popular concern with the status issue was the trouble that Muñoz was beginning to have with some of his subordinate leaders whose association with him dated back to the mid-thirties when together they had been expelled from the Liberal party for their advocacy of independence. Never reconciled to the policy that status was not an issue, these elements of the Popular high command had been among the founders of the Congress for Puerto Rican Independence and were leading an *independentista* campaign within the Popular party.¹⁷ Even if Muñoz had not been convinced of the need for reopening the status question, these *independentista* activities would have forced his hand.

Steps were taken in 1944 to initiate congressional consideration of a bill to revise the Organic Act, and in 1947 the governorship was made an elective office.¹⁸ Passage of this legislation failed to satisfy the more vociferous leaders of the independence wing of the party, a number of whom withdrew from the PPD and joined with others in 1948 to found the Independence party. As for the more moderate *Populares*, adoption of the Elective Governor Act only whetted their appetite for further progress toward self-government. During the 1948 campaign the party therefore committed itself to the policy that the Puerto Rican people should have an opportunity to draft a constitution of their own which would supersede the insular-government provisions of the Organic Act. Interpreting the Popular victory at the polls as in part a mandate to secure what in the end came to be called commonwealth status, the party leaders spent the next three and a half years seeking the approval of Congress and the Puerto Rican people for the specific changes involved.¹⁹ The successful conclusion of their efforts in 1952, and their support of the United States' successful argument before the United Nations in 1953 to the effect that the Commonwealth of Puerto Rico is no longer a "non-self-governing territory" within the meaning of Article 73e of the U.N. Charter,²⁰ have firmly committed the party to a defense and an elaboration of the commonwealth concept in the perennial status debate.

Since 1948, therefore, the Popular Democratic party has had two strings to

¹⁷ See Rexford Guy Tugwell, *The Stricken Land* (Garden City, 1947), pp. 540-41.

¹⁸ See note 4. ¹⁹ See note 4.

²⁰ The successive stages in the United Nations' consideration of the Puerto Rican case are summarized in the following U.N. documents: A/AC.35/L.121, A/2465, A/2556, and A/PV. 459.

its ideological bow: its welfare creed, and its sponsorship of commonwealth status. Of these, the former would seem to be much the more dependable source of popular support. Despite the dramatic improvement in economic conditions during the last ten years, the Puerto Rican standard of living is still low by comparison with that of even the poorest state in the Union. Social and economic problems are therefore likely to continue to be regarded by the average voter as more important than the problem of political status.

II. MUÑOZ MARÍN AS LEADER: THE *PERSONALISMO* FACTOR

The foregoing considerations might well seem to be explanation enough for the strong electoral support of the Popular Democratic party. The fact is, however, that the party owes its success in considerable measure to the popularity of its founder and leader, Luis Muñoz Marín. As Franklin D. Roosevelt and Winston Churchill once were in their respective democracies, Muñoz is and has been since 1940 a figure of heroic proportions in the public life of Puerto Rico. Members of all classes give him their respect, confidence, and support, but his following is grounded on the humble folk of town and countryside, from many of whom his charismatic appeal elicits a loyalty that borders on devotion.²¹

Muñoz Marín's Leadership. It is not easy to state the dimensions of Muñoz Marín's stature as a political leader. His personality is complex and the external factors contributing to his success are manifold. Nevertheless the following characteristics, generally agreed upon by those who know Muñoz and his role in Puerto Rico, may serve as at least a partial explanation for his hold on the affections and loyalty of the great majority of Puerto Ricans.

To begin with, he is endowed with a number of attributes, quite apart from personality traits, which sociologists have long identified as concomitants of leadership. He bears a distinguished name. Son of a famous patriot (Muñoz Rivera is often called "the George Washington of Puerto Rico"), he began his own political career with the enormous advantage of being in a sense already known. On his mother's side he comes of another prominent family, the Maríns, who have contributed significantly to the cultural life of the island. Tall and powerfully built, he towers above most of his compatriots. Dignified but never stiff or formal, he has the bearing of command. His voice is deep and resonant, and his face, scarcely to be described as handsome, is generally felt to inspire confidence because of its expression of strength, humor, and fellow feeling.

As to his personality, here again Muñoz is almost the prototype of the popular

²¹ The anthropologist Mintz, who lived for more than a year in a cane-workers' village ("Barrio Poyal") on the south coast, reports the following: "When a loyal Popular in Barrio Poyal was once asked if he had a picture of a saint in his house, he pointed jokingly to a photograph of Muñoz Marín and remarked: 'There is my saint, he lives in San Juan; his name is San Cocho.' [Sancocho is a kind of stew.] Muñoz Marín is thus identified with the most fundamental needs of the common people." Mintz, "*Cañamelar*" (cited in note 16), p. viii/2. Mintz and others have called attention to the fact that many of the poor people refer to themselves as *Muñocistas* rather than as *Populares*. See Wolf (cited in note 16), p. 155; and Padilla (cited in note 16), p. x/17.

leader. To say that he has the common touch is to understate, even to vulgarize, his rare talent for establishing a two-way relationship of sympathy and understanding with ordinary people, both face to face and in the group situation. The simplicity and directness of his public speech contrast sharply with the flamboyant tradition of Puerto Rican spell-binding, but have had so compelling an impact upon the electorate that they bid fair to revolutionize the techniques of political oratory in the island. His earthy wit and reputation for virility are important assets among a people for whom *macho* (male) is a word of highest praise.

Within the political elite, Muñoz is acknowledged even by his opponents to be a man apart. The brilliance of his conversation, the fertility of his ideas, the shrewdness of his judgment of men and affairs, and the range of his knowledge, interests, and connections set him off as a natural leader. His profound understanding of the people and politics of the United States, where he spent most of his early years and acquired his flawless command of English, contributes significantly to the respect in which he is held by his Puerto Rican colleagues as well as to the success he has had in his frequent dealings with American political leaders and government officials. To this catalogue of traits must finally be added that hallmark of the gifted politician—the knowledge of when to compromise, when to give way, when to shift ground, when to push forward, in order ultimately to achieve one's objectives. This quality Muñoz seems to possess to a superlative degree, and it has saved him both from making irreparable mistakes and from alienating vital segments of his support.

Thus endowed by nature and inheritance with the marks of leadership, Muñoz Marín seems almost to have been predestined to play a leading role in the affairs of his homeland. But the degree of predominance to which he has attained in Puerto Rico cannot be explained without taking into account yet another factor—a highly favorable environment. His emergence as a kind of folk hero is wholly in keeping with, and indeed a product of, attitudinal and behavioral patterns that have characterized the island for many years.

Origins of Personalismo. The roots of *personalismo* in Puerto Rico, i.e., of the habit of deference to and dependence upon personal authority,²² are to be found in the distribution of political and economic power during the four centuries of Spanish rule. On the political level, Spain's colonial policy can only be described as absolutism. Its chief feature was an extraordinary concentration of authority in the hands of the Governor General, an appointee of the Crown who was usually an army officer with the rank of Captain General. Vested with

²² *Personalismo*, in the sense that I use the word, is not to be found in any of the several Spanish dictionaries that I have consulted, but it is nevertheless a term of some currency, especially among students of Latin American sociology and politics. See *The Evolution of Latin American Government*, ed. Asher N. Christensen (New York, 1951), pp. 109–10, 260, 414. It is to be distinguished on the one hand from paternalism, with respect to which *personalismo* is in a sense the reverse side of the coin, and on the other hand from *caudillismo*, a term which is not relevant to the Puerto Rican case, inasmuch as it connotes indigenous military or revolutionary leadership, a Latin American phenomenon which Puerto Rico fortunately has been spared.

nearly absolute power by the Laws of the Indies and by royal decrees, he tended to rule the island as if it were a military garrison. His deputies in charge of the districts into which the island was divided for administrative purposes were also military officers until late in the nineteenth century, and his personal appointees headed and controlled all but two of the municipal governments of the island. Aside from three brief periods of liberal reform during the nineteenth century, civil liberties and popular participation in government were unknown. Having no opportunity to manage their own public affairs, the Puerto Rican people became accustomed to depending upon externally imposed authority, personified by the governor and his agents, for whatever services government could provide.²³

Much the same dependence upon personal authority became the pattern in economic life during the Spanish regime. Although Puerto Rico was predominantly a land of small farms until the early years of the present century, sizable holdings had existed on the coastal plains since early in the sixteenth century. They had come into being as a result of the *repartimiento* system, a royal policy of awarding tracts of land, along with the Indians inhabiting them, to favored Spanish settlers. Redistribution of land titles in the eighteenth century broke up some of the large estates, but the individually owned sugar plantation, or *hacienda*, continued to be the prevailing form of land holding in the coastal areas throughout the Spanish period. Whatever the size of the *hacienda*, most of the work was done by the Indians (until their disappearance as a separate racial stock towards the end of the sixteenth century), by Negro slaves (until their emancipation in 1873), and by *agregados*, i.e., free but landless whites, Negroes, and mulattoes. All of these field hands and their families, as well as the household and other servants, were totally dependent upon the *hacendado*, or landowner. They looked to him not only for direction of their daily rounds but also for help in time of sickness or other trouble. He was in short a paternalistic or quasi-feudal power figure to whom they were bound by ties of mutual obligation in all aspects of their lives.²⁴

In the mountainous interior, land holdings of twenty acres or less and sub-

²³ No comprehensive political history of Puerto Rico under Spanish rule has yet been written in any language, but two excellent sketches are available in English. One is Pedro Muñoz Amato, "Major Trends in the Constitutional History of Puerto Rico, 1493-1917," *Revista de Derecho, Legislación y Jurisprudencia del Colegio de Abogados de Puerto Rico*, Vol. 12, pp. 242-59 (1949), and the other is José Trías Monge, "Legislative and Judicial Reorganization in Puerto Rico," unpub. diss. (Yale Law School, 1947), pp. 173-247. See also Lidio Cruz Monclova, *Historia de Puerto Rico (Siglo XIX)*, Vol. 1 (Río Piedras, 1952), for an exhaustive account of the period 1808-1868. Volumes 2 and 3, forthcoming soon, will carry the story through 1898.

²⁴ According to a recent description, the *hacendado* was "a patriarchal figure who acted at times as father, counsellor, physician and judge of his people. The term 'padre de agregado' (father by aggregation) is still used by some of the older residents of our rural communities when referring to the owner of the land where they live." Raúl Muñoz, Belén M. Serra, and Angelina S. de Roca, "Research and Evaluation in a Program of Community Education," *The Journal of Social Issues*, Vol. 9, No. 2, pp. 43-52 (1953).

sistence farming characterized the Spanish period until the nineteenth century, when coffee became a profitable cash crop. Large farms, or *fincas*, then began to appear even in the mountains, especially in the western half of the island, and the large landowner came to be the dominant figure in his highland community. Like the *hacendado* of the sugar plantation, the big coffee farmer tended to be the personification of authority among the *jibaros*, the humble tenants and small holders, of his neighborhood.

Because of the overwhelmingly rural character of the island and the immobility of the peasantry in Spanish times, it seems likely that the large landowner was more important than the colonial official in the development of the *personalismo* tradition. According to the 1899 census, barely a fifth of the population (21.4 per cent) lived in towns of 1,000 or more, yet it was mainly in the urban areas that Spanish officialdom made its presence felt. The country people knew at first hand only the authority of the local gentry. Around them, the unofficial but virtually omnipotent arbiters of rural life, developed the attitudes of deference and dependence that have since carried over into other fields and especially into politics.²⁵

Personalismo in Puerto Rican Politics. The *personalismo* tendency could not manifest itself electorally in Puerto Rico until 1898. The parliamentary election of that year was the first to be held on the basis of universal manhood suffrage²⁶ and hence provided the first occasion on which appeals could be made to anything approaching a mass electorate. This contest, marked by extreme bitterness and even violence, was mainly a struggle between two strong personalities, Luis Muñoz Rivera and José Celso Barbosa, and their respective followers. For more than a quarter of a century thereafter, despite Muñoz Rivera's death in 1916 and Barbosa's in 1921, rivalry between the "Muñocistas" and the "Barbocistas" sharpened when it did not supersede the status issue as a cause of division and conflict in insular politics.²⁷

Santiago Iglesias, founder of the Puerto Rican labor movement and of the Socialist party, provides a third example of *personalismo* on the insular level before the rise of Muñoz Marín. Although the party and the labor movement gained much of their strength from the popularity of their economic aims among the workers, Iglesias' dynamic personality was in no small degree re-

²⁵ No economic history of Puerto Rico has yet appeared, but the following works contain material on land tenure and economic organization in the Spanish period: Victor S. Clark and associates, *Porto Rico and Its Problems* (Washington, 1930), pp. 495-500; Raymond E. Crist, *Sugar Cane and Coffee in Puerto Rico* (Rio Piedras, n.d.), pp. 3-7. This work is reprinted from *The American Journal of Economics and Sociology*, Vol. 7, pp. 173-84, 321-37, 469-74 (Jan., Apr., and July, 1948); Perloff, *Puerto Rico's Economic Future* (cited in note 5), pp. 12-16; and Rafael Picó and William H. Haas, "Puerto Rico," in *The American Empire*, ed. Haas (Chicago, 1940), pp. 41-55.

²⁶ See note 3.

²⁷ For a discussion of the rivalry between Muñoz Rivera and Barbosa, see Pedreira, *Un Hombre del Pueblo* (cited in note 9), pp. 121-49, and José A. Gautier Dapena "Nacimiento de los Partidos Políticos bajo la Soberanía de los Estados Unidos," *Historia*, Vol. 3, pp. 158-78 (Oct., 1953).

sponsible for such success as they achieved. He had a devoted personal following which remained loyal until his death in 1939.²⁸

But the phenomenon of *personalismo* is not restricted to the insular level of Puerto Rican politics. It has characterized local politics as well, ever since the beginnings of mass participation in political life around the turn of the century. On both the municipal level and that of the rural *barrio*, or district, it manifests itself in popular dependence upon a single political leader, in whom is focused most of the effective power available to the local community. In every *municipio* today there is a political boss who is the local leader of the Popular Democratic party. In a few instances he does not hold public office, but usually he is the mayor, sometimes the representative from his district, or occasionally even a senator. Whatever his status, he tends to be regarded by his fellow citizens as the local embodiment of the party and hence of the government, as their most effective intercessor when they seek benefits provided by insular agencies, and as an ever-available source of favors, jobs, hand-outs, and advice. In short he is expected to play the role of the paternalistic *hacendado* for the entire municipality.

The local Popular leader has the power to perform these services because he normally controls the municipal assembly (though its members are elected) and the municipal administration (all members of which are appointed). In some cases he may even be able to influence the decisions of the local District Court, though in recent years the judiciary has become increasingly less susceptible to political pressures. But his most important source of strength is the fact that he is the municipality's link with the higher echelons of the party, whence many blessings flow.

Within the rural *barrios* of each *municipio* the same pattern prevails. Always there is a single leader, usually the chairman of the *barrio* committee of the Popular Democratic party and often called the *comisario del barrio*, who is the key political figure in the community. As the leading Popular he has close ties with the municipal boss of the party and dispenses the political patronage available to the *barrio*. He also acts as go-between for the people of his district in their dealings with municipal officials and performs other services for them, in the *hacendado* tradition, within the limits of his political and economic resources.

A recent survey²⁹ of social participation in the rural *barrios*, which contain

²⁸ I am indebted to my colleague Professor Reece Bothwell for the suggestion that one reason for Muñoz Marín's rise to power in 1940 may have been the fact that the veteran *políticos* Iglesias, Barceló, and Martínez Nadal—leaders respectively of the Socialist, Liberal, and Republican parties—had just previously died or retired from active politics, thus leaving the field open for the emergence of a new leadership figure. Barceló died in 1938. Martínez Nadal could not campaign actively in 1940 because of ill health and died in 1941.

²⁹ The survey was conducted during the period November, 1951 to February, 1952 by the Division of Community Education of the Commonwealth Department of Education, with the assistance of the Institute of Social Research, of the University of Michigan. Based on a scientific random sample of approximately 1800 adult respondents and repre-

60 per cent of the island's population, revealed that most of the country folk look to the *comisario* or to a local man of property (the two are in many instances the same person viewed in different roles) for the solution of their problems. The rural respondents mentioned such persons three times as frequently as any other when asked to identify the leaders in their respective communities.³⁰ The survey also attempted³¹ to explore the rural population's general attitudes toward authority, with the following results:

Somewhat authoritarian	84%
Somewhat non-authoritarian	16%

Making a comparable split for the U. S. adult population as a comparison the figures are:

Somewhat authoritarian	46%
Somewhat non-authoritarian	54%

Personalismo as a Factor in the Strength of the PPD. Given this background—a history of popular dependence on personal authority that dates back four and a half centuries and is very much alive today in the local communities of the island—it is not surprising that a man with Muñoz Marín's leadership traits should evoke widespread and devoted support among the common people. They have long been conditioned to entrust their affairs to just such an authority figure. Their motivation to put their trust in Muñoz is of course the stronger because of his identification with the PPD welfare program, for this is a factor that relates him to the ancient symbolism of the good landowner, the paternalistic *hacendado* who holds himself responsible for the well-being of his people.³²

senting the entire rural population of the island, the survey obtained information on the economic and social characteristics of the rural population, on the extent of its past and present experience with community action, and on its attitudes toward community action, including its perceptions of the role of leadership. The preliminary findings of the survey are summarized in Muñoz, Serra, and de Roca (cited in note 24), pp. 43–52. See also Division of Community Education, "A Survey of Social Participation in the Puerto Rican Community," mimeographed (San Juan, July, 1952), and "Report on Preliminary Findings . . ." (San Juan, Sept., 1952).

³⁰ "Research and Evaluation in a Program of Community Education" (cited in note 24), p. 50.

³¹ *Ibid.*, pp. 50–51.

³² The anthropologist Wolf came to this conclusion after living for eighteen months among the *jibaros* of a coffee region. In support of the thesis he calls attention to Muñoz Marín's "tactic of 'going to the people'; his readiness to talk to the country folk; the simplicity of his speeches and language; his willingness to share their food and hospitality; his informality in clothes and studied dislike of urban articles of wearing apparel; his

In every election Muñoz Marín is the greatest asset of the Popular Democratic ticket, which is usually voted "straight." (The habit of voting a straight ticket is urged upon the electorate during every campaign by frequent repetitions of the slogan "*¡Una sola cruz debajo de la pava!*"—"A single cross beneath the straw hat!") To a considerable degree, therefore, the other Popular candidates ride into office on Muñoz' shirttails. But the party is also strong in its own right, and its highly centralized and well-disciplined organization contributes significantly to Popular successes at the polls. The effect of *personalismo* in maintaining this sort of organization must not be overlooked. It expresses itself horizontally in concentration of power in the hands of a single leader in each *barrio* and *municipio*, as we have seen, and in the island itself—in other words, on every level of the party hierarchy. It expresses itself vertically in direction and control of the whole organization from the top of the party pyramid, each leader on the lower levels taking his cues from the echelon above him. Here again, however, we ultimately come back to Muñoz, for he heads the central committee of the party and is president of the organization as a whole.

III. IDEOLOGY, *PERSONALISMO*, AND SOCIAL CHANGE

It would be pointless and doubtless impossible to determine whether ideology or *personalismo* has played the greater role in the success of the Popular Democratic party. It is enough to say that both factors have been vitally important—and to add that the party unquestionably could never have achieved its predominance on the basis of only one of them except by resort to patently undemocratic techniques of gaining and holding power. Together they represent a virtually unbeatable combination because they offer compatible, and indeed closely interrelated, responses to deep-rooted physical and psychological needs of the people—the need for economic security through identification with a welfare-oriented program, and the need for emotional security through identification with a strong leader.

How long this combination can last is of course another question. A pronounced change in either factor—abandonment of the welfare ideology or disappearance of Muñoz Marín from the political scene—would certainly shake and might well destroy popular confidence in the Popular Democratic party. Muñoz is not immortal, and certain members of the Popular high command are ever tempted to pay more attention to the old question of political status than to the economic and social problems of the island. The future stability of the party is therefore by no means assured.

Changes now going on within the society itself introduce another element of uncertainty, but too little is known about them to justify much comment on their significance for the future of the PPD. It seems reasonable to suppose,

reputation as a man who can hold his liquor well; his appeal to women; his attempts to 'give life' to the people, to better their conditions. The kind of man who fits this description on the local level is the 'good landowner.'" "Culture Change and Culture Stability" (cited in note 16), pp. 154-55.

however, that the Popular program has had a profound effect upon the way in which many Puerto Ricans regard themselves and their world. The liberation of thousands of people from the tyranny of struggling for the means to satisfy even the most elementary needs of life, the creation of a wide variety of new opportunities for work and prestige, the development of new habits and attitudes through employment in industry, offices, and service trades, the progressive urbanization of the island, the training of thousands of young people in the colleges and universities of the island and the mainland—all these things may perhaps be producing a new type of citizenry, a group of self-reliant individuals for whom the *personalismo* tradition is less meaningful than it used to be.

Even in the country districts, where PPD-sponsored economic reforms have had less dramatic impact than in the towns, forces are at work which may be changing rural attitudes toward authority. A program initiated by the Popular government itself, through its Division of Community Education, has recently had remarkable success in encouraging the country people to work voluntarily together on projects of their own choosing and by methods that they themselves adopt for the betterment of rural community life and for the solution of common problems.³³ In the long run this kind of activity on the part of the country folk could not fail to reduce their sense of dependence upon the *barrio* leader and thus to undermine his power and prestige, and that of the municipal boss as well. In the still longer run, it might be expected to lessen their traditional deference toward authority figures on the insular level.

It is too early to tell what these social changes mean, but it is at least conceivable that, given time enough to consolidate themselves, they can provide the basis for a fairly orderly transition from the politics of paternalism to the politics of popular responsibility. Whether or not the Popular Democratic party could survive such a transition is of course a question that no one can answer. But if that transition ever takes place, it will have been the Popular Democratic party that made it possible.

³³ For a description of this interesting development, which may well turn out to be one of the most significant achievements of the whole Popular program, see Charles F. Cannell, Fred G. Wale, and Stephen B. Withey, eds., "Community Change: An Action Program in Puerto Rico," *The Journal of Social Issues*, Vol. 9, No. 2, pp. 1-57 (1953). Reference has already been made to one of these articles in note 24.

TYPES OF COLLECTIVE SECURITY: AN EXAMINATION OF OPERATIONAL CONCEPTS*

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I. THE NEED FOR NEW CONCEPTS

"The well-bred, throbbing sound that goes on behind the Bauhaus façade of the United Nations," notes Alistair Cook, "is not the air-conditioning. It is the pulse of politics."¹ Ever since its inception in 1919, international organization somehow has been expected to operate above and beyond politics. It was to enshrine the universal aspiration for peace and stability. That "politics" could intrude upon—and indeed shape—institutions set up for the maintenance of collective security is only now being recognized by the public at large. That recognition, in turn, seems responsible for much of the current disillusionment with the United Nations, since its implications sully the pure ideal of solidarity for peace.

Ideologically speaking, our experience with collective security has rested on two basic concepts: the notion of "universal moral obligations" of the League Covenant and the concert of the big powers implicit and explicit in the United Nations Charter. Thus political values held by groups and individuals were translated into legal and institutional terms in the two universal collective security organizations. Both global efforts have failed to result in the peace expected of them; but the institutions rather than the concepts on which they were based have become the object of criticism and attack. No doubt the ideological convictions associated with the advent of international organization generally have militated in favor of the continued purity of the concepts. However, unless the concepts associated with world organization possess at once a high degree of descriptive accuracy and an analytical property permitting a measure of prediction, informed discussion of United Nations issues must be indefinitely postponed.

The League's principle of "universal moral obligations" meets neither test. While members undertook, in the words of Article 10 of the Covenant, "to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League," the rule of unanimity governed decision-making. Measures to maintain collective security could be recommended, but not ordered. Voluntary national association with the collective judgment was to be the key to conduct under the Covenant.

Ideologically, this concept assumed either the existence of a global consensus with respect to democracy and national self-determination or at least a common conviction that peace and stability are preferable to war and anarchy. As a number of recent critical studies have shown, neither set of assumptions coin-

* I am indebted to Fred von der Mehden for much research assistance and to Rupert Emerson and Robert A. Scalapino for rigorous criticism and advice.

¹ "America and the Asian Nations," *Manchester Guardian*, Sept. 3, 1953.

cided with the actual values and conduct of member states.² The Great Powers did not then—nor do they now—accept the universal collective security commitments to which they pay lip-service. On the basis of this conceptual and legal formulation, states will not measure up to what is expected of them in their national policies. Nor does there appear to be a “habit-forming” effect from isolated examples of the successful application of collective measures. Finally, “collective security, conceived in universal terms, is not actually considered by the great powers as a remedy for the basic insecurity of the present international system.”³ The values implicit in the concept of universal moral obligations, therefore, have found inadequate expression in national demands and policies, thus depriving the concept of either descriptive accuracy or analytical relevance.

The initial operational and ideological concept underlying the United Nations Charter was far less demanding. Binding collective action was to follow the unanimous will of the five great powers, buttressed by two small states on the Security Council. But the negative vote of one great power also suffices to prevent action of any kind. It follows, first of all, that the concert of power could *not* impose enforcement measures—as distinguished from recommendations for pacific settlement—against one of the great powers.

The basic assumption underlying this arrangement is patent: collective action could take place only on issues which were not a matter of basic dispute between the permanent members. This in turn presupposed a general identity of policy aims among them, or at least the expectation that such differences as would arise between members of the concert would be settled privately. Available evidence supports the contention that allied policy-makers in 1945 shared this expectation. If the veto were applied in a security situation, the official British commentary on the Charter points out, “The United Nations will have failed in its purpose and all members will have to act as seems best in the circumstances.”⁴ Hence to Britain dissolution of the concert seems to imply the cessation of certain key obligations under the Charter.

Despite the patent disintegration of the wartime concert of power and the waning of this conceptual prop for collective security, ideological support for the doctrine continues. Firm adherents of the concert principle have denounced

² See Kenneth W. Thompson, “Collective Security Reexamined,” this REVIEW, Vol. 47 (Sept., 1953), pp. 753–72; Gerhart Niemeyer, “The Balance-Sheet of the League Experiment,” *International Organization*, Vol. 6, pp. 537–58 (Nov., 1952); Howard C. Johnson and Gerhart Niemeyer, “Collective Security: the Validity of an Ideal,” *International Organization*, Vol. 8, pp. 19–35 (Feb., 1954).

³ Johnson and Niemeyer, “Collective Security,” at p. 35. Significantly, the authors conclude that “any further contribution that international organization may make to the problem of security on a global scale will have to stem from new and deeper insights into the problem of causation in international politics, and the ways in which common values and interests relevant to the use of force could actually take global shape.” A new conceptual foundation for the United Nations is called for.

⁴ Sir Gladwyn Jebb, “The Role of the United Nations,” *International Organization*, Vol. 6, pp. 509–20 (Nov., 1952).

not only the Uniting for Peace Resolution but also the whole Korean effort. A French critic characterizes both developments as illegal and contrary to the idea of the concert. He holds that Soviet obstruction in the Security Council on the Far Eastern crisis should have resulted not in Assembly-endorsed collective measures but in renewed efforts at seeking a negotiated settlement *within* the concert. 'In considering the collaboration of the great powers at once as a means and as the end of the Organization, the Charter was inspired by the only serious idealism, which is realism.'⁶ No matter what other verbal interpretations may be derived from a legal exegesis of the Charter, it must be granted that in terms of the political expectations and aims of the drafters this conception of the concert prevailed in 1945.

Why bother to discuss the concept of the concert of power seriously when the necessary pre-conditions do not exist? Despite the inadequacy of the concept in the descriptive realm, it retains some analytical significance in view of the demonstrable formation of *ad hoc* concerts even under Cold War conditions. While the major assumptions of the concert advocates must be dismissed as irrelevant in our era, the actual operation of the United Nations must still be examined in order to determine the limits of validity surrounding this principle of collective security.⁶

While neither the concept of universal moral obligation nor the doctrine of a concert of the great powers can pass the test of illustrating and explaining the operation of collective security, both approaches do have the advantage of being rooted in the value aspirations of many contemporary groups, irrespective of nationality. The alternative concepts to be elaborated here lack this attribute. The first alternative, "permissive enforcement," derives support largely from the policy of the United States and the anti-communist values of Americans. The second, the concept of "balancing," represents the confluence and tension among the policies of United Nations members, but enjoys no doctrinal support as such.

Yet it would be a mistake to assume the absence of values in the implications of these alternative approaches to contemporary collective security. These concepts differ from the established ones in the manner of their derivation. They

⁵ René de Lacharrière, "L'action des Nations Unies pour la sécurité et pour la paix," *Politique Etrangère*, Vol. 18, pp. 307-38, at p. 334. (Sept.-Oct., 1953).

⁶ Among the developing body of material critical of the 1945 concert of power approach on non-ideological grounds the following may be cited: Edward H. Buehrig, "The United States, the United Nations and Bi-polar Politics," *International Organization*, Vol. 4, pp. 573-84 (Nov., 1950); Sir Gladwyn Jebb, "The Free World and the United Nations," *Foreign Affairs*, Vol. 31, pp. 382-91 (April, 1953); Kenneth Dawson, "The United Nations in a Disunited World," *World Politics*, Vol. 6 pp. 209-35 (Jan. 1954). A number of highly suggestive essays on new points of departure in the discussion of collective security may also be cited: William T. R. Fox, "The United Nations in the Era of Total Diplomacy," *International Organization*, Vol. 5, pp. 265-73 (May, 1951); Coral Bell, "Korea and the Balance of Power," *Political Quarterly*, Vol. 25, pp. 17-29 (Jan.-March, 1954); Coral Bell, "The United Nations and the West," *International Affairs*, Vol. 29, pp. 264-72 (Oct., 1953); Jiri Liska, "The Multiple Equilibrium and the American Interest in International Organization," *Harvard Studies in International Affairs*, Vol. 4, pp. 35-50 (Feb., 1954).

ignore both the ideological convictions of enthusiastic advocates of international organization and the legal formulations found in international documents, except as these illuminate the aims of policy-makers. They are derived from the operations of the United Nations and as such reflect the ends of national policy, the conflicts of policy, and the manner in which clashes are reconciled within the institutional strictures of United Nations procedure and forces. In short, they take as their point of departure the conditions under which the United Nations is called upon to intervene in a given threat to security. In addition, they seek to formalize the process set up by the interactions of national policy based on these pre-existing conditions. Primarily, the concepts of permissive enforcement and balancing are designed to provide accuracy of description and sufficient analytical rigor to facilitate prediction. They are not designed to represent or advocate any specific body of values, though the values implicit in national policies are naturally reflected in them. Yet they imply values in so far as they tend to introduce the Cold War into collective security processes, as in permissive enforcement. And to the extent that they aim at the precarious co-existence of the two major blocs, as in the balancing process in universal collective security organization, values are equally clearly implied.

II. LIMITS OF THE CONCERT OF POWER

While the concept of universal moral obligations, though conceived, was never actually born, the concert of power passed away almost as soon as its birth was registered in public policy. The mutually antagonistic global policies of the guarantors of world peace preclude the functioning of the concert as enthroned in the Security Council. As a general principle the concert has lost its relevance; but does it follow that it can no longer be an operational concept in certain situations, even under Cold War conditions? General failure in the East-West conflict through its geographical symptoms in Greece, Berlin, China, and Trieste punctuates the record of the concert principle. But occasional success, as in Palestine, Indonesia, and Kashmir, stands out as well. It is suggested that the record of the major powers in these instances furnishes the clues as to the limits of the concert principle of collective security in the Cold War era.

Kashmir has been the only major international dispute of the post-1945 period in which the guarantors of collective security failed to take sides with one or the other of the disputant parties. They established and supervised a truce, proposed demilitarization, and sought to arrange a plebiscite. The techniques of pacific settlement and united firmness on which a neutral power concert is to operate in principle were clearly in evidence. From 1948 until 1951 these efforts were carried on without a veto and without overt Soviet opposition to what were largely American-British sponsored activities.⁷

Why this proved possible can only be surmised. It stands to reason, however, that on policy grounds neither power bloc in the global conflict wished to an-

⁷ On these efforts see the revealing articles of Josef Korbel, "The Kashmir Dispute after Six Years," *International Organization*, Vol. 7, pp. 498-510 (Nov., 1953), and "Danger in Kashmir," *Foreign Affairs*, Vol. 32, pp. 482-90 (April, 1954).

tagonize either India or Pakistan. The West and the Soviets vied for the support of Arab-Asian opinion, and neither expected to profit from a war in the area. Neutrality, in short, was the logical policy for each and this neutrality in turn produced an *ad hoc* concert which could seek to implement Chapter VI of the Charter. There is no reason to doubt the sincerity of the United States delegate to the Security Council when he remarked:

All members of the United Nations have an interest in seeing this dispute settled peacefully. The United States has more than an interest; it has the most earnest desire to see the two great states of the subcontinent join together to assure their mutual peace and security as well as their mutual prosperity.⁸

Instances of Soviet partisanship made themselves felt in abstentions and not in vetoes, as on so conciliatory a resolution as that which instructed the United Nations representative to continue his efforts to bring the parties to agree to demilitarization.⁹ This step must be interpreted as pro-Indian, since demilitarization was demanded more stridently by Pakistan and minimized by India. Clearly, Soviet policy sought new tactics after 1951 without, however, yet disrupting the concert. Malik denounced the Anglo-American role in the Security Council mediation effort as an attempt to prevent a solution and to turn Kashmir into an "imperialist base." Both Karachi and New Delhi were declared the victims of a Western conspiracy to reestablish colonialism through the United Nations. As Indian Communists repeated these charges, one of their spokesmen wrote:

Imperialism has used the Kashmir dispute as its most important weapon to beat down the governments [of India and Pakistan] and to force both to line up quietly behind its criminal policies and war-plans. A just and peaceful solution of the Kashmir problem is, therefore, not only the essential prerequisite to peaceful and friendly relations between India and Pakistan. It is also the essential prerequisite in any struggle to extricate the Indian and Pakistan governments from the reactionary Anglo-American bloc and its plans for war.¹⁰

Yet the Soviet delegate on the Security Council retained his correct and aloof attitude as far as the merits of the dispute are concerned. He confined himself to denouncing the West but offered no vetoes and carefully refrained from favoring either party. At the same time, of course, Communists continued to play a very large role in Kashmiri politics, generally favoring an autonomous Kashmir and supporting the Indian position only when strong United Nations pressure seemed imminent.¹¹ And since 1951 the Soviet position seems to have swung closer and closer to the Indian.

In the meantime, the conclusion of the United States-Pakistan arms agree-

⁸ Ernest A. Gross in the Security Council, December 5, 1952; *Department of State Bulletin*, Vol. 27, pp. 1028-32, (Dec. 29, 1952).

⁹ Security Council, 566th Meeting, November 10, 1951.

¹⁰ Rajbans Krishen, *Kashmir and the Conspiracy Against Peace* (Bombay, 1951), pp. 107-8. Cited with much other interesting material in Merrill C. Goodall, "Soviet Policy in India: Some Postwar Trends," *Journal of International Affairs*, Vol. 8, pp. 43 ff., at pp. 45-46 (1954).

¹¹ See Korb, "Danger in Kashmir" (cited in note 7) for documentation on this point.

ment may well imply a more energetic pro-Pakistan policy on the part of Washington. While the concert has not yet disintegrated with respect to Kashmir, the policy considerations impelling the action of the permanent members of the Security Council seem to tend in the direction of disintegration. What remains of significance nevertheless is the fact that the practice of collective security through the concert has proved possible despite—and in part because of—the Cold War. The very positions occupied by the super-powers globally, their desire to make friends and influence people in Asia, have so far propelled them in the direction of truce, pacific settlement, and neutrality in Kashmir. Each for its own reasons, therefore, found it desirable to act roughly as the Charter indicates.

The crises in Palestine and Indonesia illustrate another aspect of this thesis. If major policy considerations led to neutrality with respect to the merits of the dispute in Kashmir, the same considerations led the super-powers to support identical parties at the crucial juncture in the remaining two disputes. The case of Indonesia is the simpler one. During the initial phases of the dispute there was no semblance of a concert, with France and Britain supporting the Netherlands, China and the Soviet Union backing the Indonesians, and the United States refusing to commit itself clearly. The resolutions which passed the Security Council prior to the second Dutch police action accordingly lacked firmness. Decisive Security Council intervention came only after the second Dutch police action, when all the major powers joined in denouncing the Netherlands, and the United States went so far as to block Marshall Plan funds for the East Indies in an effort to coerce the Dutch. In terms of the concert of power the story of collective security in Indonesia merely illustrates that united action became possible when all the permanent members, for reasons peculiar to each, decided to back the Indonesians. Until that point the absence of a concert was plainly illustrated by—and resulted in—the inactivity of the Security Council.

The case of Palestine in its early stages bears a strong resemblance to the Indonesian effort, while the later developments are more akin to those in Kashmir. The concert moved from initial commitment to the Israeli side in 1948 and 1949 to a Western ambivalence contrasted with Soviet adherence to the Arab side by 1954. The pro-Israeli orientation of the major powers was made apparent in their backing of the General Assembly's partition scheme, in their endorsement of the Security Council's efforts to secure the Jewish state by the cease-fire and stand-still orders, and their prompt recognition of the Israeli government. The same trend continued to prevail late in 1948 and throughout 1949, with Israel being permitted to retain areas conquered by her forces beyond the boundaries fixed by the General Assembly and no United Nations action being voted to compel Israel to implement the organization's resolutions on Jerusalem and the Arab refugees. The concert functioned because both super-powers supported the same party during the crucial period in which the United Nations truce supervision organization was set up.

Curiously, a change in Soviet policy failed to bring with it a collapse of the *ad hoc* concert on Palestine. While Communist leaders inveighed against Zion-

ism and cosmopolitanism at home, a policy of open criticism of Israel was adopted. In the Security Council, however, a resolution calling upon Egypt to cease its blockade of Israel-bound traffic in the Suez Canal was not vetoed. Further, in the 1951 controversy over drainage rights around Lake Hulah the Soviet delegate failed to block a resolution slightly favorable to Israel. And even the debate on the Kibya incident of October, 1953 failed to arouse Soviet interest; the Soviet delegate abstained on the vote censuring Israel, and the *New York Times* reports that "the Soviet delegation had remained silent throughout the long debate. The reasons for its abstention were not disclosed."¹²

In any event, a confluence of Western and Soviet policy made possible the continuation of the concert until the end of 1953. As Moscow turned pro-Arab, the West reduced its support of Israel. While Mr. Dulles declared that the United States would not "hesitate by every appropriate means to use its influence to promote a step-by-step reduction of tension," the State Department, after the Israeli raid at Kibya, deplored the loss of life, expressed "deepest sympathy," and spoke of "shocking reports." Further it demanded that "those responsible should be brought to account and . . . effective measures should be taken to prevent such incidents in the future."¹³ France, Britain, and the United States joined in demanding a vote of censure against Israel in the Security Council. Two days later Washington suspended the release of Mutual Security Program funds to Israel, pending the latter's obeying an order of General Bennike, United Nations Truce Supervisor, to halt drainage activities in the Lake Hulah area. ". . . As long as the State of Israel was acting in defiance of that decision, it was questionable at least as to whether we should make the allocation," noted the Department.¹⁴

Still the concert functioned. Neither bloc lived up to the oral positions taken initially, as shown by the mild form of the resolution censuring Israel. While the Jerusalem government was admonished to carry out past resolutions and abstain from further raids, nothing was said about reparations or punishment of those who were responsible for the foray. American ambivalence on the Palestinian issue was underscored further when M.S.A. activities were resumed on October 28, 1953.

It was during 1954 that the *ad hoc* concert came to an end, as Western policy continued ambivalent while the Soviet attitude turned openly pro-Arab. No decision on the rival Syrian and Israeli claims over the Lake Hulah drainage dispute was possible, since even the western-sponsored compromise formula of leaving decisions to General Bennike met the first Soviet veto on Palestine. Stalemate became obvious when the Soviet delegate used his veto again in March to defeat a resolution calling on Egypt to remove obstacles to Israel-bound traffic in the Suez Canal. On the basis of these developments it may well

¹² *New York Times*, Nov. 25, 1953.

¹³ H. N. Howard, *The Development of United States Policy in the Near East, South Asia and Africa during 1953* (Department of State Publication 5432, Near and Middle East Series 15, Washington, April, 1954), p. 275, pp. 329-30.

¹⁴ *Ibid.*, p. 330.

be expected that the Security Council will be unable to act in the event of renewed fighting in the unstable Palestine area.

The comparison of conduct and concept thus indicates that the absence of a general concert has by no means implied the absolute failure of the concert principle in collective security. On the contrary, the very forces set loose by the Cold War have promoted the formation of a series of *ad hoc* concerts. The need for neutrality in Kashmir and the desire to placate Israel and Indonesia have persuaded the chief global antagonists to use the United Nations much as the framers of the Charter had intended. Conversely, the fragmentation of big power interests in the Middle East carries with it the implication of future failure. Hence the concert of power as a concept of collective security cannot be written off entirely even during periods of global tension among the would-be members of the concert. It remains relevant analytically to situations not involving the interests of the super-powers directly and relating to areas uncommitted in the Cold War or unaffected by it. If, further, both super-powers would consider it impolitic to offend either of the parties to such a dispute or if both for their own reasons decide to favor the case of one party, the United Nations may witness the formation of new *ad hoc* concerts on the basis of such accidental confluences of interest and policy. But these constitute the limits under which an incompletely bipolarized Cold War world can rely on the peaceful influence of the concert principle.

III. PERMISSIVE ENFORCEMENT

The concept of permissive enforcement embraces the policies and procedures expressly developed to overcome the disintegration of the concert of power as a guarantor of collective security. It has found constitutional expression in a number of United Nations resolutions and the early phases of intervention in Korea demonstrate the concept in action. Yet in the standard categories of collective security no separate provision has so far been made for it, even though the assumptions underlying it, as well as the actions implicit in it, are quite distinct from either of the established categories. Statesmen refer to having "strengthened" or "perfected" the United Nations, or to having "deterred" aggression through the permissive enforcement principles embodied in the Korean decision of June 27, 1950 and in the Uniting for Peace Resolution. But the question of a generalized pattern of collective action under such precepts has attained little recognition beyond the policy level.

The striking and unique feature of permissive enforcement lies in the fact that it could be directed *against* one of the guarantors of collective security, under either of the established concepts. Its purpose is the mobilization of the United Nations membership, or a portion of it, against the expansive design of any member state, including a permanent member of the Security Council, i.e., against one of the super-powers and its global bloc.

It is hardly surprising that each of the major proposals for this kind of collective security owed its authorship to American initiative. In constitutional terms, each called for a new role for the General Assembly. The "Little Assem-

bly" scheme of 1947 was the first step in that direction, albeit a cautious and incomplete one.¹⁵ The second American step toward making permissive enforcement the dominant concept of collective security was embodied in the abortive Thomas-Douglas Resolution of 1949.¹⁶ The final—and successful—attempt is represented by the Uniting for Peace Resolution of 1950. If the Security Council proves unable to act because of the veto, the General Assembly would become the organ to administer collective security. It acquired the function of deciding that an act of aggression, a threat to the peace, or a breach of the peace had occurred and recommending collective measures against the aggressor. Its Peace Observation Commission is to investigate tension areas and its Collective Measures Committee took on the functions vested in the Military Staff Committee of the Security Council under the Charter.

Despite Soviet and other charges that the resolution is illegal under the Charter, such is not the case. Articles 10, 11, 12, 13, and 14 clearly provide the General Assembly with ample rights to discuss, hear reports, study, and make recommendations to member states on any security issue. The crucial terms are "make recommendations" and "recommend." These are the key to the permissive nature of the collective security implied by the Resolution. After all, a recommendation is neither an order nor a decision; it lacks any binding force vis-à-vis member states. Further, the Uniting for Peace Resolution is not a Charter amendment and must therefore be presumed to operate under the authority of Articles 10–14. It follows that collective action voted under this concept remains merely a recommendation addressed to the membership, which is free to implement it or to do nothing. Enforcement is therefore permissive and in no sense mandatory.

The implications of the permissive enforcement concept may now be stated. Clearly, it is intended to make possible, not necessarily United Nations action, but United Nations-*authorized* measures against any violator of the Charter's Article 39, including the Soviet Union or one of its satellites. It implies the delegation of power to those member states which are willing to use their armed forces rather than the involvement of the organization directly. Emphasis is placed on the use of collective measures and on advance preparation of the membership to fight rather than to negotiate. It implies, in short, the maximization of enforcement despite the absence of a concert. A major power operating under the concept of permissive enforcement may expect to be given permission by the United Nations to undertake military and economic measures against an aggressor and thus justify its national policy in terms of global symbols. The same possibility remains open to a regional system seeking authorization to use force.*

The initial phases of the Korean conflict provide the classical case study of permissive enforcement in action, even prior to the formal acceptance of the

¹⁵ See D. W. Coster, "The Interim Committee of the General Assembly," *International Organization*, Vol. 3, pp. 444–58 (Aug., 1949).

¹⁶ Paul H. Douglas, "United to Enforce Peace," *Foreign Affairs*, Vol. 30, pp. 1–16 (Oct., 1951).

Uniting for Peace Resolution. They also demonstrate, however, the implications of delegating power in the political as well as in the military realm. And in the last analysis the case study begs the question of the "collective" nature of this type of security operation. Hence an examination of the United Nations activity in Korea prior to the Assembly's discussion of Communist China in December of 1950 will be relevant.

Even the Security Council's resolutions of June 25 and 27, 1950, and the subsequent key resolution of July 7, 1950 stress the permissive nature of the entire action. The earlier resolutions found that a breach of the peace had taken place, ordered the invading troops to withdraw and on June 27 *recommended* that members "furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."¹⁷ The nature of the assistance was left entirely to the individual members, thus in effect authorizing retroactively the commitment of American forces which had been decided in Washington on June 26. The establishment of the Unified Command on July 7 merely recognized the American-led nature of the collective intervention. The United States Far East Command, which had controlled the American forces committed in Korea from the first, was in fact transformed into an agent of the Security Council. Other United Nations members who had committed or promised forces "agreed that all orders, directives and policies of the United Nations Commander would be accepted and carried out, and that in the event of disagreement, formal protests might be presented subsequently."¹⁸

How "collective" was the United Nations effort to protect South Korea and to punish North Korean aggression? Again the permissive nature of the proceedings is obvious. Only sixteen member states actually contributed land, naval, and air forces. Of these, twelve belonged to the NATO-Commonwealth bloc, three were Asian and African states, and one adhered to the Latin-American bloc. Quantitatively speaking 90 per cent of the total non-Korean commitment was American. The attitude of the non-participating members varied from complete endorsement to complete opposition. The Latin-American bloc cheered the United Nations effort and was later to demand even more energetic action; but it had no forces to contribute. In marked contrast, the nations of the Arab-Asian bloc remained rather cool toward the collective action and tended to demand conciliation instead of enforcement, while the Soviet bloc, of course, denounced the entire proceedings as illegal and aggressive.

Numerically the case for the collective nature of United Nations action is not a strong one, especially because the overwhelming preponderance of the support did not come from a representative sample of the entire membership but was derived largely from two Western regional systems. Certain important measures of the Far East Command, moreover, received no, or at best very

¹⁷ *U. N. Doc. S/1511*, 27 June 1950. Cited in Leland M. Goodrich, "Korea: Collective Measures against Aggression," *International Conciliation*, no. 494, pp. 131-92, at p. 143 (Oct., 1953).

¹⁸ Goodrich, p. 158.

ambiguous, authorization from the United Nations. Thus the campaign toward and along the Yalu River in the fall and winter of 1950 "was viewed by other members as a serious provocation to the Chinese and the kind of action they had hoped to avoid."¹⁹ However, indications by Washington that the atom bomb might be used in Manchuria brought vigorous protests by Britain; the demand that the doctrine of "hot pursuit" be so interpreted as to permit United Nations aircraft to fly and fight over Manchuria was opposed and turned down by key nations in the group of the Sixteen.²⁰ In terms of curbing inclinations toward unilateralism on the part of the chief United Nations agent, therefore, the Korean action did possess a collective character.

With the exception of the dramatic episodes cited, however, the delegation of military power to one strong state or even a group of states lays bare certain vital concomitants of the permissive enforcement principle. Goodrich notes that

the organization of command down to the service level would have been no different if the United Nations force had been a purely United States force. The subsequent addition to the staff of the United Nations Commander of a Commonwealth Deputy Chief of Staff did not affect the fact of United States operational control.²¹

In view of the quantitative position of American forces this situation must be considered normal in any permissive undertaking of this kind. In the realm of economic measures taken against North Korea and China much the same picture obtained. To be sure, the General Assembly passed a resolution providing for an embargo on "arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition, and implements of war."²² But the implementation of the resolution was, of course, voluntary and left full discretionary power to the individual member states. When it came to coordinating such military and economic steps as the members were willing to take, the United Nations again abdicated to its agent. There was almost no central direction or coordination of the "collective" effort. "To the extent that coordination was attempted, and there is evidence that it was undertaken with considerable vigor and some effectiveness, it was done by the United States government."²³

If military operations were largely delegated to the agent in the permissive enforcement effort, political direction was somewhat more diffused. By November, 1950, the nations with forces in Korea had constituted themselves into a permanent Committee of Sixteen, with regular weekly conferences in Washington. United States leadership and plans dominated and the sessions were briefings rather than consultations. But key members of the Committee nevertheless influenced American policy after the Chinese intervention in the conflict. Thus it may be surmised that the removal of General MacArthur from the Far East Command was at least influenced by these consultations. The political

¹⁹ *Ibid.*, p. 169. ²⁰ *Ibid.*, p. 167. ²¹ *Ibid.*, p. 162.

²² General Assembly Resolution 500 (v), 18 May 1951; Goodrich, pp. 154-55.

²³ *Ibid.*, p. 156.

initiative of the General Assembly became especially striking after the withdrawal of the remaining North Korean forces from South Korea in October, 1950. The Unified Command, supported by Washington, wished to pursue the defeated forces into their own territory and incidentally bring about the unification of Korea, which had been advocated by the United Nations ever since 1947. "With some reluctance" the General Assembly approved this plan in its resolution of October 7.²⁴ But the reluctance was shown in the sentiment expressed by Canada's Lester B. Pearson, who argued that collective measures had been undertaken "for no other purpose than to help repel aggression. . . . We would be opposed to any attempt to interpret existing United Nations objectives as including the unification of Korea by force."²⁵ Still American initiative continued to carry the day at the United Nations, until the entry of China changed the picture and introduced an entirely new pattern in the collective security process.

From the experiences of permissive enforcement in Korea, it seems safe to conclude that the agent in the action tends to control the military portions of the effort. If he has less formal control over the political direction, it remains true nevertheless that military operations can create situations leaving almost no political alternative to the United Nations, as indeed happened in the ill-fated Yalu River campaign. Thus permissive enforcement provides a concept of collective security particularly well adapted to enlisting the principles and symbols of the United Nations on behalf of the West in the Cold War. This is stressed by Secretary of State Dulles, who insists that such regional structures as NATO and the OAS "show the growing acceptance of the collective security concept we describe."²⁶ He mentions the United Nations and the Uniting for Peace Resolution only secondarily, stressing regional military might and "local defensive strength . . . reinforced by more mobile deterrent power."²⁷ Universal collective security principles and procedures, by implication, are to be applied only to authorize and justify the regional or bilateral steps to be taken. Since the Secretary minimizes the use of nuclear weapons on Chinese and Russian targets in such an action, he seems to be thinking of future local wars in Asia or collective security of the Korean prototype.

The successful mobilization of the permissive enforcement concept in such a setting, however, cannot be assumed automatically merely because it functioned in Korea. It demands that at least two-thirds of the membership endorse a future American claim for authority to carry out a delegated enforcement effort. Post-Uniting for Peace Resolution processes at the United Nations have

²⁴ *Ibid.*, p. 173.

²⁵ *Ibid.*, p. 174.

²⁶ John Foster Dulles, "Policy for Security and Peace," *Foreign Affairs*, Vol. 32, pp. 353-64, at p. 356 (April, 1954). Similar British evaluations may be found in Jebb, "The Free World and the United Nations" (cited in note 6), p. 511.

²⁷ Dulles, "Policy for Security and Peace," pp. 358 ff. Emphasis is placed on this aspect of American declarations despite an obvious ambivalence on the question of local wars and nuclear weapons. "Massive retaliation" against the centers of communist power, while under discussion at the same time, seems nevertheless to have been de-emphasized in official thinking.

given far from clear support to the existence of such a sentiment, as may become plain from an examination of two issues relating to permissive enforcement, both of them an outgrowth of the Korean crisis.

The first major test of the concept was the American-sponsored effort in the fifth session of the General Assembly to brand Communist China an aggressor. The debate was complicated by the simultaneous efforts of the three-nation mediation commission of the Assembly to negotiate directly with Peiping for a cease-fire. Thus it highlights the different procedures and policy aims represented by the primacy of enforcement on the one hand and the superiority of pacific settlement on the other. The issue under debate was, essentially, whether China should be designated as an aggressor and additional measures—military, economic, and diplomatic—taken against her, or whether the chances for a negotiated settlement should be explored further either by calling a Far East Conference, or through specific suggestions to Peiping, or both.

The United States, Nationalist China, and the bulk of the Latin-American delegations defended condemnation as the cornerstone of collective security through enforcement; or, in the words of Uruguay, "the fight on behalf of that principle should now be re-enforced."²⁸ Greece and Turkey agreed while General Romulo likened any further efforts at conciliation to the Lytton Commission and "wondered what former Secretary of State Stimson, if he were still alive, would have to say to the Lord Lytttons of today."²⁹

The majority of the Western European and older Commonwealth states took a different position. They were willing to denounce Peiping and consider additional measures, but only *after* all avenues of conciliation had been exhausted. And even then, they urged, the door must be left open to negotiations. Thus the Norwegian delegate felt that the Korean war, fought under the Charter, "was nevertheless a war attended by death and destruction affecting combatants and non-combatants alike. Under those circumstances, it was imperative that the United Nations, like any single government involved in a war, should make every effort to arrive at an honorable and peaceful settlement. Such an effort should not be regarded as appeasement."³⁰ And the extreme pro-conciliation position was taken by twelve Arab-Asian states who opposed additional measures and overt condemnation of Peiping. India, then as later engaged in private approaches to the Peiping regime, led this group. Its position, however, was weakened by policies such as Lebanon's and Iraq's which seemed to favor some show of determination against China, if no obstacles to further negotiations seemed implied.

An Arab-Asian resolution postponing United Nations action until further mediation efforts were exhausted failed by a vote of 28 to 17, with 13 abstentions coming apparently largely from the NATO bloc. However, the American resolution was passed only after Britain, France, and Lebanon had extracted

²⁸ United Nations, Official Records of the General Assembly, 5th sess. First Committee, *Summary Records of Meetings*, Vol. 2, 3 Jan.-17 May, 1951. 424th Meeting, 13 Jan., p. 489.

²⁹ *Ibid.*, 431st Meeting, 25 Jan. 1951, p. 548.

³⁰ *Ibid.*, 422nd Meeting, 11 Jan. 1951, p. 475.

a statement from Ambassador Austin that the insistence on additional measures was to be interpreted as being *subordinate* to continued conciliation efforts by the Cease-Fire Group.³¹ Further assurances that no additional powers were to be given to the Unified Command were obtained and all these concessions were then incorporated into the American draft resolution. It passed by a vote of 44 to 7, with eight Arab-Asian states, Sweden, and Yugoslavia abstaining. Permissive enforcement had won a Pyrrhic victory; the denunciation of China failed to be accompanied by firm and clear enforcement directives; pacific settlement had been inserted in their place. As Sir Gladwyn Jebb noted in the plenary meeting devoted to passing the resolution: "We attach primary importance to the work of the good offices committee. . . . My government has the utmost confidence that the President will lose no time in appointing the two other members of the group, so that it may be able to start work forthwith. . . ." ³²

The activities of the Collective Measures Committee provide a further test of the acceptance of permissive enforcement. In its three reports, the Committee recommended, among other things, that member states set apart specific contingents of their armed forces for international duty, that a permanent coordinating machinery for economic and military cooperation be created and that a panel of military experts as well as an United Nations Volunteer Reserve be set up by the Secretary-General. Not only was the first report amended most critically by the Latin Americans and opposed by India, but both the coordinating machinery and the military bodies remain to be set up. Finally, only twenty-odd governments chose to reply to questions as to what elements of their armed forces they would be willing to earmark for United Nations duty, and of those only Norway gave any indication of willingness. "I do not want to imply that the Collective Measures Committee's work is of little value," said Sir Gladwyn Jebb. "But given the reluctance of many states to align themselves with either party on the main issue dividing the Great Powers, it would be unrealistic to expect too much from the Committee's work and possibly harmful to press it very much further than it has already gone."³³ The former British delegate believes that permissive enforcement is amply served if the use of the United Nations flag is authorized by the Assembly and if some coordination machinery is created: "More than this the United Nations cannot effectively do."³⁴ Despite this reluctance, American delegates continue to press for the full implementation of the Committee's recommendations.

The comparison of the concept with the practices of permissive enforcement, then, reveals successful delegation of power to the United States during the first six months of the Korean struggle and an increasing reluctance to such delegation after that point. It further revealed an unwillingness to perfect the

³¹ *Ibid.*, pp. 570, 577.

³² United Nations, Official Records of the General Assembly, 5th Sess., *Plenary Meetings*, Vol. 2; 327th Meeting, 1 Feb. 1951, p. 692.

³³ Jebb, "The Free World and the United Nations" (cited in note 6), p. 513.

³⁴ *Ibid.*, p. 520.

techniques associated with permissive enforcement, as demonstrated in the vague nature of the recommendations of the Collective Measures Committee and the even vaguer reception accorded these suggestions by the membership.

Clearly, permissive enforcement requires a sense of urgency, if not emergency, in order that power will be delegated in the future. In policy terms, it calls for a high sense of global identity with the anti-communist aims of the United States. Madame Pandit, by contrast, had this to say about collective measures:

The Indian delegation considered there were no international problems, however complex, which could not be settled by peaceful negotiation. The United Nations should devote itself to the study of measures for the peaceful settlement and conciliation of disputes. . . . It was more urgent and more constructive than the study of coercive measures.³⁵

The Indian position enjoys support from over a dozen other Arab-Asian states. Together with the Soviet bloc and the dissenting NATO members, they may suffice to deprive the United States of the two-thirds majority needed to make permissive enforcement effective. As far as the use of the concept in the implementation of United States policy is concerned, it appears that the limits of permissive enforcement have already been reached. It seems clear that on security issues alone, the United States can count on the wholehearted support of only the Latin-American bloc, Nationalist China, Ethiopia, the Philippines, Greece, Turkey, Liberia, and usually Thailand. NATO and Commonwealth support has to be purchased at the cost of concessions, usually in the realm of negotiation and pacific settlement. It may well be doubted, therefore, that the Uniting for Peace Resolution has "strengthened" the enforcement aspect of the United Nations, at least in the present round of the Cold War.

The essential feature of permissive enforcement in the study of principles of collective security, however, is the growth of the balancing concept to which it has given rise. The determination of the United States to create and retain a viable majority has entailed the growth of an equally determined bloc anxious to restrain these American efforts. Since permissive enforcement implies the search for friends and allies, it has resulted in a process of bargaining and holding out. There has thus developed a "balancing process" at the United Nations since 1951, which appears to be the analytical key to contemporary collective security practices.

IV. BALANCING AND COLLECTIVE SECURITY

Collective security, through delegated enforcement action, is the essence of permissive enforcement; involvement of the United Nations in the Cold War is its chief implication. The concept of balancing, by contrast, calls for using the United Nations as an agency for ameliorating the Cold War and for inducing the two chief antagonists to accept compromise solutions to tension-laden problems. Using the forum of the universal organization as an agency of conciliation and mediation is the chief technique of balancing. This approach differs from

³⁵ United Nations, Official Records of the General Assembly, 7th Sess., First Committee, *Summary Records of Meetings*, 575th Meeting, 12 March 1953, p. 454.

the concert of power in that it takes the Cold War for granted. Consequently, both pacific settlement and enforcement through the Security Council are minimized in the sense of calling for big power unity. The concept, instead, hinges on a balancing process among the members because it takes its departure from the *de facto* polarization of the nations around a pro-American, a pro-Soviet, and an uncommitted focus. The efforts of the uncommitted bloc or blocs provide the initiative to which the two antagonists have to adjust, thus setting up a pattern of compromise. Balancing of influence and power is of the essence in this process, since the conciliation efforts of the uncommitted bloc are likely to be taken seriously by the super-powers, not because of good will, but in order not to alienate allies or offend important neutrals.

Is it possible to maintain collective security through the operation of this concept? Is there any evidence that processes conforming to the type sketched are now unfolding? Before answering these questions it is necessary to state the modes of behavior which nations must follow in order to make balancing possible. Thus the United States is expected to oppose Soviet expansion, and perhaps even to flirt with liberation; certainly, balancing assumes that the United States will seek to mobilize United Nations organs and symbols on its behalf, through permissive enforcement procedures. The Soviet Union, equally naturally, is expected to oppose these attempts. The balancing concept of collective security depends on the belief that Soviet policy aims at preserving its present holdings, warding off Western attempts to "roll back" the Iron Curtain, and seeking further expansion by means of ideological appeal and subversion alone. The Kremlin, in short, is expected not to wish a major war. Participation in the United Nations would serve the aims of "unmasking" the "imperialist" designs of the West and preventing the formation of a United Nations alliance against communism through peace appeals to the fence-straddling portion of the membership.³⁶

Further, balancing assumes that the Arab-Asian bloc, consistent with the Indian policy of "dynamic neutralism," will continue mediation and conciliation among the super-powers. Active non-alignment on the part of India, Burma, Indonesia, and the Arab countries will thus be supplemented with specific compromise proposals designed to ease tensions in such Cold War theaters as Korea or Indo-China. Borrowing the slightly misleading terminology of the classical European balance of power behavior pattern, the Arab-Asian bloc is expected to assume the role of the "balancer," a role contingent, of course, on the continuation of neutralist policies on its part.³⁷

³⁶ For a development of this interpretation see Rupert Emerson and I. L. Claude, "The Soviet Union and the United Nations: An Essay in Interpretation," *International Organization*, Vol. 6, pp. 1-26 (Feb., 1952).

³⁷ This distribution of "roles" should not imply that the Soviet Union, India, and the United States take these positions on *all* security issues. Only issues relating to the Cold War—a rather comprehensive category—can be so treated. For an interesting development of this in terms of national interest assessments see Richard N. Rosecrance, "The United States, India, and World Organization," *Harvard Studies in International Affairs*, Vol. 4, pp. 51-63 (Feb., 1954).

But the Arab-Asian bloc is not the only possible balancer in the pattern. A similar role may accrue to the NATO allies of the United States. Differences of degree with respect to the magnitude of anti-communist policies acquire the function of watering down the American claim for leadership in the permissive enforcement realm. Because the United States prefers to move in concert with its NATO partners, the views of these nations must be considered. This process of intra-NATO compromising has the net result of reducing American claims of what is expected from the United Nations. While non-alignment or neutralism are terms too strong to characterize the role of Western Europe and Canada in the balancing process, some opposition to American leadership is assumed nonetheless.

Finally, the modes of behavior on which balancing must depend include a certain "built-in" restraint among the super-powers themselves. If they should wish to forego the advantages of having their national policies approved by the General Assembly, balancing would come to a speedy end. We must assume, therefore, that Moscow does not wish to be branded an aggressor or an obvious violator of the Charter. Similarly, Washington is presumed not to desire being known as a notorious "unilateralist." Indeed, the settlement of the Iranian dispute in 1946 supports this contention with respect to the Soviets, as does Korea with respect to the United States.³⁸ In Iran, Soviet compliance with the extremely mild Security Council resolutions and actions, amounting in the last analysis to little more than keeping the issue on the agenda despite the withdrawal of the initial charges, suggests Russian unwillingness to risk open international opprobrium.

That the policies of states and blocs in the United Nations correspond to this distribution of roles in the present act of the Cold War is evident. India and the Arab-Asian states generally continue to oppose permissive enforcement and a State Department official observes that "the Arab-Asian states have been among the strongest advocates of East-West rapprochement."³⁹ They have consistently urged more conferences and consultations among the super-powers and have fought the introduction of major East-West issues into the United Nations. Within NATO, Britain and Canada have demonstrated time and again their opposition to the American reliance on United Nations enforcement. As Lester Pearson pointed out, "the United Nations is an agency for the conciliation of political disputes and for the organization of collective action against established aggression, when all methods of mediation and conciliation have been exhausted."⁴⁰ The priority of aims is especially significant in view of

³⁸ See Richard W. Van Wagenen, *The Iranian Case 1946* (New York: Carnegie Endowment for International Peace, United Nations Action Series, Case History no. 2, 1952), pp. 92 ff.

³⁹ Harry N. Howard, "The Arab-Asian States in the United Nations," *Middle East Journal*, Vol. 7, pp. 279-92, at p. 284 (Summer, 1953). See also C. Kondapi, "Indian Opinion of the United Nations," *International Organization*, Vol. 5, pp. 709-21 (Nov., 1951).

⁴⁰ Canada, Department of External Affairs, *Canada and the United Nations, 1951-1952* (Ottawa, 1952) pp. viii ff.

the fact that in American assessments the reverse emphasis is featured.⁴¹ As if to dissipate this impression, Benjamin V. Cohen, in praising the first report of the Collective Measures Committee, observed that "Some have expressed the fear that by emphasizing . . . collective measures we are in some sense detracting from pacific settlement. My Government regards pacific settlement and collective measures as inseparable parts of collective security under the Charter."⁴² Putting these two facets on a plane of equality with one another, however, is far from meeting the Arab-Asian and British claims for the predominance of pacific settlement. Recognition of the existence of a balancing process has by no means implied an American retreat from the preference for permissive enforcement.

A case study of balancing in operation is furnished by the Seventh Session of the General Assembly and the discussion of the Indian proposals for a Korean truce. The negotiations at Panmunjom were stalemated on the question of prisoner repatriation, the Communists holding out for unconditional repatriation to the country of origin and the West insisting on voluntary repatriation. The propaganda position of each bloc was identified with its principle of prisoner treatment; the issue threatened to prevent a Korean armistice.

The United States, together with twenty of its allies, sought to buttress its position in the United Nations by introducing a resolution which was based on "The rights of all prisoners of war to an unrestricted opportunity to be repatriated and [avoiding] the use of force in their repatriation."⁴³ At the same time, however, the American delegation encouraged the Indians to interest themselves in a compromise solution to the issue.⁴⁴ Perhaps the initial resolution was no more than a bargaining device.

The Soviet Union introduced a resolution advocating the unification of Korea and did not even refer to the prisoner issue. Interestingly enough, the Russians proposed the creation of a United Nations Korean commission to be composed of six belligerents and five member states which had not participated in the hostilities, "neutrals" for Korean purposes. The principle of "neutral" interloping was on its way toward recognition. At the same time "the Russians appear to have thrown out a feeler that the Asian nations should take the initiative in bringing the Korean fighting to an end."⁴⁵

Thus encouraged, and with previous instructions to intervene, perhaps even approved by Britain and Canada, the Indian delegation set to work on pro-

⁴¹ *U. S. Participation in the United Nations*, Report by the President to the Congress for the Year 1952 (Department of State, International Organization and Conference Series III, 90; Washington, 1953), p. 16, p. 55.

⁴² Benjamin V. Cohen "Collective Security Under Law," *Department of State Bulletin*, Vol. 26, p. 102 (Jan. 21, 1952).

⁴³ U. N. Doc A/C.1/725, 24 Oct. 1952, par. 8.

⁴⁴ *Indian Press Digest*, Vol. 2, p. 4, (March, 1954). This issue of the *Digest* contains a complete chronology of events in this crisis, based on an extensive use of Indian press sources and United Nations documents. It is the basis of my discussion.

⁴⁵ *The Hindu*, Oct. 30, 1952; cited in *ibid.*, p. 5.

posals to mediate in a typical Cold War situation.⁴⁶ Behind-the-scenes negotiations thrived. The Arab-Asian bloc sought to draft a resolution combining the elements common to the Soviet and American approaches, and India communicated this draft to Peiping. Further encouraged by a cautiously cooperative reply from China, V. K. Krishna Menon on November 17, 1952 introduced the Indian compromise plan. It provided for the creation of a Neutral Nations Prisoner Repatriation Commission to ascertain the prisoners' desires, to remove them from the custody of their captors, and to guarantee a violence-free atmosphere for prisoner screening and processing. The resolution failed to provide for a clear cease-fire in Korea and put no time limit on the screening operations.⁴⁷

The balancing process now got underway, with the first round resulting in a complete reversal of initial positions, acceptance by one side and rejection by the other. The United States almost immediately rejected the Indian scheme because it was too vague, did not clearly recognize voluntary repatriation, and provided no time limit for the procedures envisaged. Yet the United States was apparently persuaded by its allies to study the proposal further, and a committee of the NATO-ANZUS bloc took the resolution under advisement.⁴⁸ Peiping informed India that it was interested in the proposals and Vyshinsky considered it a "serious basis for discussion." India now revised her plan by putting a time limit on the screening process and spelling out the procedure for the proposed commission, while Britain argued openly for the adoption of the scheme. Apparently afraid that the "peace initiative" was passing into Western hands, Vyshinsky now amended his own resolution by demanding an immediate cease-fire as a condition for further negotiations, and the Soviets began a policy of denouncing the Indian resolution as inadequate and pro-western.⁴⁹ Only on the following day did New Delhi receive a communication from Peiping indicating Chinese inability to accept the neutral proposal. Dean Acheson, on the other hand, now considered India's plan a "most important and statesmanlike effort" and promised American support for it!⁵⁰

The second round in the process involved an attempted switch in roles once more and ended with the acceptance of the compromise formula by both sides. Following communist rejection of the scheme, Krishna Menon indicated his desire to "clarify" the proposals, for the benefit of Peiping; Vyshinsky even hinted that if India would only accept his demand for an immediate cease-fire, "you can call on us to approve your resolution."⁵¹ Krishna Menon argued that a cease-fire was implicit in his proposals and needed no special statement; he refused to accept any amendments and pressed for a vote, holding in effect that his resolution met the aim of non-forcible repatriation and assured a

⁴⁶ "India would not have undertaken the task unless one of the major Powers was prepared to stand by her in her efforts to break the deadlock. The London-New Delhi axis is the strongest guarantee for success of the effort" (*Hindustan Times*, Nov. 25, 1952), *ibid.*, p. 12.

⁴⁷ U. N. Doc. A/C.1/734, revised 23 and 26 Nov. and 3 Dec. 1952.

⁴⁸ *Digest* (cited in note 44), pp. 8-9.

⁴⁹ *Ibid.*, pp. 13-14.

⁵⁰ *Ibid.*, p. 14.

⁵¹ *Ibid.*, p. 19.

screening process free from intimidation and pressure. The resolution passed the First Committee by a vote of 53 to 5, with Nationalist China abstaining. Two weeks later the Peiping regime once more flatly refused to consider the resolution as a basis for further negotiation.

These matters seemed to rest, with the West on record as favoring conciliation and neutral supervision over a Cold War dispute and the Communists in opposition. Yet in mid-May of 1953, the Unified Command advanced a new formula at Panmunjom which seemed to violate the General Assembly resolution. All Korean prisoners were to be released immediately upon the signing of a truce, thus sidestepping the Neutral Nations Repatriation Commission. To immediate Canadian requests for "clarification," Washington answered that "the Indian plan never had been before the negotiators at Panmunjom because it had been rejected by the Communists."⁵² Nevertheless, and probably as a result of allied pressure, the Unified Command dropped this scheme and on June 8 went back to the United Nations plan. And later that month, Moscow and Peiping agreed to conclude an armistice on the same basis. Committed to a peace offensive by that time, the communist governments apparently considered the scheme as the most painless way out of the Korean stalemate.

In terms of collective security practices, the success of the Indian-sponsored balancing operation spells the possible advent of a new set of principles. The concept of permissive enforcement, expressed in the determination to halt and punish aggression, gave way to negotiation between the belligerents, in the form of the long and weary truce talks at Panmunjom. Punishment of the aggressor yielded to discussion with him. When these procedures proved to be inconclusive, a "third force" in the United Nations, composed of the Arab-Asian bloc and segments of the NATO group, went on to mediation and conciliation. The enforcement action, then, ended with two "neutral" commissions supervising the armistice terms and acting as a buffer between the contestants. Thus it may well be asked what the role of the United Nations was. Did it consist of restraining aggression or of making peace between the law breaker and his opponents? Was the United Nations symbol enlisted in support of collective measures or behind mediation and conciliation?

Clearly, the United Nations fulfilled both functions, rather sharply differentiated in time. Initially the enforcement concept was triumphant. After 1951 pacific settlement, negotiation, neutral supervision, and a minimization of hostilities at all cost carried away the victory. This in turn proved possible only because serious rifts had developed among the enforcing nations and because the avowedly neutral bloc advanced proposals which could not be rejected without incurring the onus of blocking peace. Balancing thus operates in the United Nations in the sense that the super-powers are restrained by the necessity of catering to these sentiments. Conciliation becomes the function of the "balancer" groups within the organization, compelling a redirection of the col-

⁵² Norman Altstedter, "Problems of Coalition Diplomacy: the Korean Experience," *International Journal*, Vol. 8, pp. 256-65, at p. 263 (Autumn, 1953).

lective security thinking into channels alien to the earlier concepts. As a concept derived from the processes and operations underway within the United Nations framework, however, the limitations implicit in it should never be ignored. Balancing assumes that the United Nations "roles" played by the various "actors" at the moment acquire some degree of permanence. Their present foreign policies cannot undergo radical change without upsetting the operational underpinnings of the concept.

"Collective security will not work if every policing operation initiates a world war," comments Quincy Wright.⁵³ The choice between permissive enforcement and balancing is also the choice between a United Nations dedicated to the West's victory over communism or a world organization which seeks to avoid war between the two camps through neutral intercession. In the first case, the universal character of the United Nations would almost certainly give way to a rump organization. In the alternative case, however, the symbolic significance of General Assembly resolutions might be such as to create new patterns of expectation and conduct on the part of governments, seeking a mitigation of tensions through the kind of multilateral diplomacy within the Charter framework which was displayed in the settlement of the Korean War.

V. CONCEPTS AND THEORY OF COLLECTIVE SECURITY

The elaboration of operationally-determined concepts of collective security implies a deliberately non-normative approach to the issue of peace. Collective security based either on universal moral obligations or on a concert of the powerful, while perhaps clearer in its ideological and normative assumptions than the alternatives here proposed, has not in fact flourished. In terms of world conditions, national policies, and the pattern of policy clashes at the United Nations, the established concepts explain little and permit almost no predictive analysis. A concert of power limited by the dominant forces of Cold War diplomacy, permissive enforcement and the concept of balancing, however, meets the tests of conceptual acceptability within the framework of the world conditions defined for them.

While it may be suggested that theories are made of concepts, the elaboration of operationally-derived principles of conduct by no means amounts to a complete theory. Because the concepts remain tied to specific world conditions they lack sufficient general applicability to serve as a theory of collective security. Taken together, they might be considered essential constituents of such an intellectual effort—depending on the validity of the analysis—but they still fail to measure up to a comprehensive theory which would purport to cover all modes of conduct and be capable of predicting with accuracy future patterns of behavior. Adding the alternatives here proposed would produce merely a compendium of finite experiences, but not an integrated body of propositions. And certainly no growth of norms of conduct can be easily associated with this effort at conceptualization.

⁵³ Quincy Wright, *Problems of Stability and Progress in International Relations* (Berkeley, 1954), p. 105. See also his argument on this point generally at p. 53.

Yet degrees of relevance to a general theory of collective security can be imputed into the alternative concepts discussed. Thus *ad hoc* concerts of power depend essentially on accidental confluences of policy among the major powers, an unstable and unreliable criterion which reduces the theoretical significance of the principle. Permissive enforcement involves the willingness—perhaps even the eagerness—of one great power to undertake military measures, depending however on the overwhelming willingness of the remaining United Nations members to underwrite and authorize the effort. A general sense of danger and an almost universal enthusiasm for common action are the prerequisites. In view of nuclear developments, less and less can be expected from this concept in terms of state conduct. Balancing thus remains the concept most relevant to a theoretical formulation of collective security in operational terms. The concept carries with it a number of implications for such a theory which remain to be made explicit.

Keeping in mind the severely limiting conditions imposed by the “roles” taken by the contemporary global blocs and their policies, the main virtue of the balancing concept remains the fact that it does not assume selfless behavior as the root of collective security. Thus many commentators argue against enlisting the United Nations for anti-communist purposes. Instead they advocate using it as a forum for the discussion and adjustment of American aims. “Such a policy is the reverse of one which treats the United Nations as an instrument of national policy. The latter policy is tempting, especially to powerful states, but unless the temptation is resisted, it will destroy the United Nations and the system of collective security.”⁵⁴ In view of the Cold War, the temptation is unlikely to be resisted, however, and a theory of collective security therefore should not be based on the assumption of selfless motives. We must consequently seek a theory not predicated on selflessness but still capable of explaining the limited success of collective security principles.

In this quest, balancing again seems a useful concept since it transcends the age-old and unproductive conflict between “realism” and “idealism” in world organization. By focusing on national policy it incorporates motives and aims into its scope; by abstracting the resulting pattern from actual policy operations it takes the “is” for granted. True, the “ought” of firm normative principles is thereby pushed into the background. But to the extent that balancing imposes restraint and moderation upon the potential belligerents, the compulsion toward discussion and compromise within the General Assembly actually depends upon the symbolic importance imputed to the norms of the Charter, though they may be invoked for rhetorical purposes. Even rhetoric may restrain national policy if the overt violation of principles is expected to produce results undesirable for propaganda reasons.

Finally, some of the properties of world organization implied in the balancing concept may be put forward. Obviously, balancing operations are closer to traditional diplomacy, though within the procedural framework of the United

⁵⁴ *Ibid.*, p. 109.

Nations, than to the processes assumed by the Wilsonians. Universal collective measures, while remaining in the background, would give way to regional military strength and integration. United Nations efforts would develop into a process of mediation by a neutral "balancer" among the conflicting aims of antagonists. Instead of Security Council or Assembly inquiries and condemnations, closed conciliation efforts would flourish. Instead of enforcement, neutral truce supervision and plebiscite activities may become standard practices. Repeated successes in such operations might then have the cumulative effect of limiting freedom of national choice between unilateralism and multilateral compromise, implying the gradual establishment of balancing operations as the normal procedure for settling local manifestations of the Cold War. Regional self-defense would continue to thrive but the United Nations would, in effect, become the universal forum in which contending regional systems negotiate and compromise, thus making the United Nations the "balancer."

CONSTITUTIONAL LAW IN 1953-1954

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The membership of the Supreme Court remained unchanged during the 1953 Term. Chief Justice Vinson died on September 8, shortly before the opening of the Term.¹ Governor Earl Warren of California was given a recess appointment by President Eisenhower on October 2, and was sworn in as the fourteenth Chief Justice on October 5. The Senate Judiciary Committee moved slowly, however, and the appointment did not reach the Senate until March 1, 1954, when it was confirmed by a voice vote without opposition.

A week after the 1954 Term got under way Justice Robert H Jackson died, of a heart attack, on October 9, 1954, at the age of 62. For a man who had no law degree, Justice Jackson had done very well in the law. After a brilliant career as a lawyer in Jamestown, New York, he entered the government service in 1934 as General Counsel to the Bureau of Internal Revenue. He was appointed Solicitor-General in 1938, Attorney-General in 1940,² and was elevated to the Supreme Court by President Roosevelt in June, 1941. He served as chief American prosecutor at the Nürnberg trial of top Nazi war criminals.³ Though appointed with the reputation of being a liberal New Dealer, Justice Jackson was actually close to the very center of the Court in many cases where the Justices were sharply divided.⁴ He was one of the most gifted opinion-writers on the Court, with a flair for felicitous phrasing and well-turned epigrams. To take the place of Justice Jackson, President Eisenhower nominated, on November 8, 1954, Judge John Marshall Harlan, whom he had appointed the previous March to the Court of Appeals for the Second Circuit. Judge Harlan, once a successful New York lawyer, is the grandson of the Justice Harlan who served with such distinction from 1877 to 1911.⁵

A noteworthy event of the 1953 Term was the adoption by the Court, on April 12, 1954, of a set of Revised Rules, effective July 1, 1954.⁶ Frederick Bernays Wiener, the Reporter to the Court's committee, has described the revision as "the most comprehensive ever made, in format, in arrangement, in

¹ For an evaluation of the work of Chief Justice Vinson, see the symposium in *Northwestern University Law Review*, Vol. 49, pp. 1-75 (March-April, 1954).

² See his book, *The Struggle for Judicial Supremacy* (New York, 1941).

³ See *The Nürnberg Case as Presented by Robert H. Jackson* (New York, 1947).

⁴ R. J. Steamer, "Mr. Justice Jackson and the First Amendment," *University of Pittsburgh Law Review*, Vol. 15, pp. 193-221 (Winter, 1954).

⁵ See Note, "The Appointment of Mr. Justice Harlan," *Indiana Law Review*, Vol. 29, pp. 46-74 (Fall, 1953).

⁶ 346 U.S. 949-1018. The last previous revision was promulgated on February 13, 1939, 306 U.S. 671-741.

context, and in the procedure of its formulation."⁷ Justice Black filed a statement of protest.⁸ While he agreed that some changes were desirable, he thought it would be better to amend the old rules rather than adopt a whole new set. His position was that everyone was familiar with the old rules and their interpretation by the Court, whereas he feared that "new rules without settled meanings breed mistakes and controversies that frequently make the way of litigants unnecessarily perilous." He also argued that the new rules made appellate review more difficult by adding "unnecessarily burdensome conditions and restrictions on rights of review and appeal Congress has provided." Finally, he protested that the new rules made more difficult the filing of *amicus curiae* briefs, whereas he thought the rule governing this point should be relaxed, since "most of the cases before this Court involve matters that affect far more people than the immediate record parties."⁹

During the Term under review the controversy stirred up by Professor Crosskey's extraordinary study of the Constitution¹⁰ continued its animated way in the law reviews.¹¹ Most of the writers seem to agree on two propositions: (1) Crosskey has written a remarkable book which has stirred the still waters of constitutional debate, and (2) Crosskey is fundamentally wrong. Especially noteworthy was the appearance of a much-needed and distinguished biography of Justice William Johnson, who served on the Court from 1804 to 1834,¹²

⁷ "The Supreme Court's New Rules," *Harvard Law Review*, Vol. 68, pp. 20-94 (Nov., 1954). Robert L. Stern and Eugene Gressman have thoroughly revised their invaluable *Supreme Court Practice* (Washington, D.C., 2d ed., 1954) to take into account the many changes made by the new Rules.

⁸ 346 U.S. 946-47.

⁹ On the *amicus* brief problem see Fowler V. Harper and Edwin D. Etherington, "Lobbyists before the Court," *University of Pennsylvania Law Review*, Vol. 101, pp. 1172-77 (June, 1953). Speaking of *amicus* briefs these writers assert: "Even a cursory examination of these briefs indicates the time-wasting character of most of them. . . . For the most part, briefs amici are repetitious at best and emotional explosions at worst" (p. 1172).

¹⁰ William Winslow Crosskey, *Politics and the Constitution in the History of the United States* (Chicago, 1953).

¹¹ Howard J. Graham, "Crosskey's Constitution: An Archeological Blueprint," *Vanderbilt Law Review*, Vol. 7, pp. 340-65 (April, 1954); James A. Durham, "Congress, the Constitution and Crosskey," *Indiana Law Journal*, Vol. 29, pp. 355-66 (Spring, 1954), "Crosskey on the Constitution: An Essay-Review," *California Law Review*, Vol. 41, pp. 209-29 (Summer, 1953); Carl N. Degler, "A New Effort to Rewrite the Constitution," *Western Political Quarterly*, Vol. 7, pp. 75-82 (March, 1954); Ernest J. Brown and Henry M. Hart, Jr., *Harvard Law Review*, Vol. 67, pp. 1439-86 (June, 1954); Malcolm Sharp, Irving Brant and Julius Goebel, Jr., *Columbia Law Review*, Vol. 54, pp. 439-83 (March, 1954); Robert L. Stern, John B. Sholley, Nathaniel L. Nathanson, and John P. Frank, *Northwestern University Law Review*, Vol. 49, pp. 107-37 (March-April, 1954); A. E. Sutherland, *Cornell Law Quarterly*, Vol. 39, pp. 160-69 (Fall, 1953); F. D. G. Ribble, *Virginia Law Review*, Vol. 39, pp. 863-70 (Oct., 1953); Fritz F. Heimann and Hugh E. Kelso, *Iowa Law Review*, Vol. 39, pp. 138-55 (Fall, 1953); H. E. Yntema, *American Journal of Comparative Law*, Vol. 2, pp. 582-86 (Autumn, 1953); H. D. Lasswell, *George Washington Law Review*, Vol. 22, pp. 383-86 (Jan., 1954); M. D. Forkosch, *Brooklyn Law Review*, Vol. 20, pp. 124-32 (Dec., 1953). For earlier references see the author's "Constitutional Law in 1952-1953," this *REVIEW*, Vol. 48, pp. 63-113, at p. 63, note 3 (March, 1954).

¹² Donald G. Morgan, *Justice William Johnson: The First Dissenter* (Columbia, S. C., 1954).

as well as of a biography of Justice Shiras (1892-1903).¹³ Students of American government were also glad to note the publication of an interesting symposium on judicial review, on the occasion of the 150th anniversary of *Marbury v. Madison*,¹⁴ a monumental treatise-casebook on the federal courts and their jurisdiction,¹⁵ and a number of books and essays dealing with various historical aspects of our public law.¹⁶

In all, during the 1953 Term the Supreme Court disposed with finality of 1,293 cases, as compared with 1,278 during the previous Term. There were only 78 signed opinions, the smallest number in many years, and 13 *per curiam* opinions. Of the 78 dispositions with full opinion, 22, or 28 per cent, were unanimous, as compared with 22 per cent in the 1952 Term. Of 66 dispositions by memorandum order, the Court reached unanimous agreement in 54, or 82 per cent. In all, 170 cases were decided on the merits (198 a year ago). Of these cases, 32 came from the United States District Courts by appeal, 65 from the federal Courts of Appeal, all by certiorari, 71 from state courts, 56 by appeal and 15 by certiorari, and 2 from specialized federal courts by way of certiorari.

On the appellate docket, the Court granted certiorari in only 78 cases, or 13 per cent of all petitions filed, as compared with 16.1 per cent in 1952 and 15.2 per cent in 1951. On the miscellaneous docket the Court granted petitions for certiorari in only 10 cases, or 1.9 per cent of all those filed, as compared with 2.5 per cent in 1952, and 4.7 per cent in 1951. It is to be regretted that with his

¹³ George Shiras, 3d, *Justice George Shiras Jr. of Pittsburgh* (Pittsburgh, 1953).

¹⁴ *Supreme Court and Supreme Law*, ed. Edmond Cahn (Bloomington, Ind., 1954). See the review by Carl B. Swisher in *Harvard Law Review*, Vol. 67, pp. 1487-89 (June, 1954).

¹⁵ Henry M. Hart, Jr. and Herbert Wechsler, *The Federal Courts and the Federal System* (Brooklyn, 1953).

¹⁶ Clyde E. Jacobs, *Law Writers and the Courts* (Berkeley, 1954), on T. M. Cooley, C. G. Tiedeman, and J. F. Dillon; Alpheus T. Mason, *The Supreme Court: Vehicle of Revealed Truth or Power Group, 1830-1887* (Boston, 1953); John C. Hogan, "The Court of Appeals in Cases of Capture (1780 to 1787)," *Oregon Law Review*, Vol. 33, pp. 95-105 (Feb., 1954); Felix Frankfurter, "Chief Justices I Have Known," *Virginia Law Review*, Vol. 39, pp. 883-905 (Nov. 1953); Ralph K. Huitt, "The Constitutional Ideas of James Otis," *Kansas Law Review*, Vol. 2, pp. 152-73 (Dec., 1953); Wallace Mendelson, "Dred Scott's Case—Reconsidered," *Minnesota Law Review*, Vol. 38, pp. 16-28 (Dec., 1953); Charles Fairman, "The So-Called Granger Cases, Lord Hale, and Justice Bradley," *Stanford Law Review*, Vol. 5, pp. 587-679 (July, 1953); David M. Levitan, "Mahlon Pitney—Labor Judge," *Virginia Law Review*, Vol. 40, pp. 733-70 (Oct., 1954); Alpheus T. Mason, "Extra-Judicial Work for Judges: The Views of Chief Justice Stone," *Harvard Law Review*, Vol. 67, pp. 193-216 (Dec., 1953); Marian D. Irish, "Mr. Justice Douglas and Judicial Restraint," *University of Florida Law Review*, Vol. 6, pp. 537-53 (Winter, 1953). See also: Earl Latham, "The Supreme Court and the Supreme People," *Journal of Politics*, Vol. 16, pp. 207-35 (May, 1954); Marver H. Bernstein, "The Politics of Adjudication," *Journal of Politics*, Vol. 16, pp. 299-323 (May, 1954); Glendon A. Schubert, Jr., "Politics and the Constitution: The Bricker Amendment during 1953," *Journal of Politics*, Vol. 16, pp. 257-98 (May, 1954); J. A. C. Grant, "Judicial Control of Legislation," *American Journal of Comparative Law*, Vol. 3, pp. 186-98 (April, 1954); Symposium on "Concepts of Legislative Power," *Louisiana Law Review*, Vol. 14, pp. 745-810 (June, 1954); Clinton Rodda, "The Accomplishment of Aesthetic Purposes under the Police Power," *Southern California Law Review*, Vol. 27, pp. 149-79 (Feb., 1954).

analysis of the denial of certiorari in the 1952 Term,¹⁷ Professor Harper has brought to a close a series of four valuable articles examining closely the certiorari jurisdiction since 1949. Understandably enough, he writes that "on the whole this has been a baffling and frustrating experience."¹⁸ The Supreme Court also dismissed appeals in 39 cases, 33 for lack of a substantial federal question.

With the sharp decline in the number of dispositions with full opinion there was a corresponding reduction in the total number of dissenting opinions, of which there were 57, as compared with 89 and 73 in the two previous Terms. Again Justice Douglas led the Court, with 15 dissenting opinions; Justice Black wrote 12, Justice Frankfurter eight, Justice Jackson seven, Justice Minton five, Justice Reed four, Justice Clark three, Justice Burton two, and Chief Justice Warren only one. In addition, 16 concurring opinions were written, four by Justice Douglas. Taking into account all cases decided on the merits, whether by memorandum order or full opinion, Justice Douglas cast 35 dissenting votes and Justice Black 33. At the other end of the table were Justice Clark, with only six dissenting votes, and Chief Justice Warren with eight. In addition, in connection with memorandum orders denying petitions for certiorari or dealing with miscellaneous applications, Justice Douglas recorded dissent 31 times, Justice Black 30 times; Justice Jackson noted dissent in connection with seven orders, Justice Reed dissented six times, and Justice Frankfurter once.

The Court's disposal of a number of important cases by summary *per curiam* opinion,¹⁹ where in the light of the issues at stake some explanation would have been desirable, aroused comment.²⁰ Indeed, in one instance, *Linehan v. Waterfront Commission of New York Harbor*,²¹ where the Court affirmed a federal district court on appeal, without oral argument and without opinion, Justices Douglas and Black registered their disapproval. The case involved a compact entered into by New York and New Jersey, with the approval of Congress, for the regulation of employment on the waterfront. A two-member, bi-state Waterfront Commission was created to control employment of all longshoremen by means of a register, a listing in which was made a prerequisite of employment. The Commission, in its discretion, may deny registration to anyone who has ever been convicted of certain designated crimes, or who is a Commu-

¹⁷ Fowler V. Harper and Arnold Leibowitz, "What the Supreme Court Did Not Do during the 1952 Term," *University of Pennsylvania Law Review*, Vol. 102, pp. 427-63 (Feb., 1954).

¹⁸ *Ibid.*, p. 427.

¹⁹ See, for example: *Florida ex rel. Hawkins v. Board of Control*, 347 U.S. 971 (1954), on school segregation; *Superior Films, Inc. v. Department of Education*, 346 U.S. 587 (1954), on censorship of motion pictures; *White v. Howard*, 347 U.S. 910 (1954), on registration of names of political parties; *Brownell v. Singer*, 347 U.S. 403 (1954), on liquidation of assets of enemy alien property; *United Shoe Machinery Corp. v. United States*, 347 U.S. 521 (1954), involving an unusually important anti-trust action; and *County Board v. State Milk Commission*, 346 U.S. 932 (1954), on standing to sue.

²⁰ See the observations of Albert M. Sacks in the *Harvard Law Review*, Vol. 68, pp. 99-103 (Nov., 1954).

²¹ 347 U.S. 439 (1954).

nist or teaches the Communist creed, or whose presence on the waterfront would constitute, in the Commission's judgment, "a danger to the public peace or safety." The district court held that the compact was valid, overruling several constitutional objections.²² Justice Douglas protested against the Court's growing practice in recent years of "diluting" the statute which gives it jurisdiction over appeals. A case coming to the Court on appeal, he pointed out, comes as of right in accordance with an act of Congress, and does not depend upon the favorable vote of four Justices, which is needed for certiorari. He thought that this case presented for decision two genuine constitutional issues; whether the standards by which men are deprived of the right to work were relevant to the question of their competence to perform the work, and whether the states had not violated the constitutional clause forbidding bills of attainder.²³ He declared: "The right to work—which goes to the very heart of our way of life—is at stake in these appeals. If we conclude that the Compact is constitutional, we should give our reasons so that all interests will be protected. Congress expected as much in all but frivolous cases coming here by appeal."

I. QUESTIONS OF NATIONAL POWER

1. FEDERAL RIGHTS

Regulation of Lobbying and Basic Rights. There is an old canon of construction that if it is at all possible to do so, the Court ought to interpret a statute in such a fashion as to sustain it against a charge of unconstitutionality. How far the Court is willing to go in reconstructing legislation in order to save it is reflected in *United States v. Harriss*,²⁴ which upheld the constitutionality of the Federal Regulation of Lobbying Act of 1946 by a 5-3 vote. An information was filed in the District Court for the District of Columbia alleging violation of Section 305 of the Act, which requires reports to Congress from every person "receiving any contributions or expending any money" for the purpose of influencing the passage or defeat of any congressional legislation. The National Farm Committee, a Texas corporation, and defendants Moore and Harriss, were charged with failure to report the solicitation and receipt of contributions made for the purpose of influencing the passage of farm legislation. Some of the alleged expenditures consisted of payments of compensation to others to communicate face-to-face with members of Congress at public functions and committee hearings in connection with agricultural legislation. Other expenditures were made in connection with a campaign to induce various interested groups and individuals to write to members of Congress. Moore and Harriss were also charged with violation of Section 308, which requires registration of any person "who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation." The purposes covered by the Act are defined as follows: "(a) The passage or defeat of any

²² 116 F. Supp. 683 (S.D. New York, 1953).

²³ See Note, "The Constitutional Prohibition of Bills of Attainder: A Waning Guaranty of Judicial Trial," *Yale Law Journal*, Vol. 63, pp. 844-61 (April, 1954).

²⁴ 347 U.S. 612 (1954).

legislation by the Congress of the United States. (b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States." Registrants covered by the Act are required to disclose the name and address of each person contributing \$500 or more, and the name and address of each person to whom an expenditure of \$10 or over has been made within the year. The constitutional issues raised were those of due process vagueness, freedom of speech and press, and freedom of petition.

Speaking for the Court, Chief Justice Warren observed that it has a duty to construe a statute as satisfying the due process requirement of specificity if it is reasonably possible to do so. Referring to the recent holding in the *Rumely* case,²⁵ it was declared that the language describing the Act's purposes should be construed as referring only to "lobbying in its commonly accepted sense," that is to say, "to direct communication with members of Congress on pending or proposed federal legislation." The Chief Justice maintained that the legislative history of the Act indicates that Congress had in mind only direct pressures, and not attempts to educate or change the mind of the country. Thus construed, it was held that the statute meets the constitutional requirement of definiteness. It was pointed out, as it usually is in such cases, that the statute under consideration was at least as definite as many other criminal statutes which have been upheld. Furthermore, the statute as construed does not violate the First Amendment guarantees of freedom of speech, press, and petition. Under present conditions, Chief Justice Warren asserted, members of Congress must be able properly to evaluate the pressures to which they are regularly subjected. "Otherwise," he said, "the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal." He also noted that over twenty states have similar legislation. Congress has not tried to prohibit these pressures; it only seeks "a modicum of information." All it wants to know is "who is being hired, who is putting up the money, and how much." As in the case of the Federal Corrupt Practices Act, the purpose here is "to maintain the integrity of a basic governmental process." To deny Congress the power to require disclosure of lobbying activities would amount to denying Congress "in large measure the power of self-protection." Any possible restraint upon those not covered by Section 307, it was suggested, is at most an indirect and remote one resulting from self-censorship, comparable in many ways to the restraint resulting from criminal libel laws.

In a dissenting opinion with which Justice Black expressed agreement, Justice Douglas maintained that the statute was too vague to give fair warning, and that the Court had actually rewritten the statute. He could find no warrant in the Act for drawing the line between direct communications with Congress and other pressures exerted on Congress, and maintained that the Act included both. In his view the Court had taken out one whole group of activities, those which influence Congress "indirectly." Indeed, he argued that "direct" in-

²⁵ *United States v. Rumely*, 345 U.S. 41 (1953).

fluence includes many methods of communication, such as radio, television, and advertising, as well as direct contacts with members of Congress. He also thought that a statute raising First Amendment issues ought to be narrowly drawn. In a separate dissenting opinion, Justice Jackson maintained that the statute was so "mischievously vague" that even the government does not understand it. Rarely, he said, has the Court gone so far in rewriting a statute. Since the offense described by the statute is a novel one, he argued that the formula ought to be as clear and precise as language will permit. But it may be noted that all three dissenters seemed to agree that Congress can in some fashion regulate lobbying.

Deportation of Aliens. Cases dealing with the deportation of aliens reach the Supreme Court regularly, and the 1953 Term was no exception.²⁶ Perhaps the most interesting was *Galvan v. Press*,²⁷ involving a Mexican alien who came to this country in 1918 at the age of seven, and who admitted in 1948 that he had been a member of the Communist Party from 1944 to 1946. Section 22 of the Internal Security Act of 1950 makes such membership a specific ground for deportation. Galvan asked the Court to interpret the statute to mean that it provides for the deportation only of those aliens who joined the Communist party fully conscious of its advocacy of violence, and who committed themselves by the act of joining to this violent purpose. This the Court refused to do, holding on the basis of legislative history and the course of earlier judicial and administrative decisions that Congress did not intend to exempt "innocent" members of the Communist party from deportation. It was concluded that "support, or even demonstrated knowledge, of the Communist Party's advocacy of violence was not intended to be a prerequisite to deportation." It is enough that the alien of his own free will joined an organization known as the Communist party.

The situation had been different under the Alien Registration Act of 1940, which made membership in an organization which advocates the overthrow of government by force a ground for deportation. The Court had held this provision constitutional even though membership ended before 1940.²⁸ But under the 1940 Act it was necessary to prove in each case that the Communist party did in fact advocate violent overthrow of the government. The Internal Security Act of 1950 dispensed with the need of such proof. Justice Frankfurter noted

²⁶ See *Proceedings of the New York University Conference on Practice and Procedure under the Immigration and Nationality Act*, ed. Henry Sellin (New York, 1954), for an analysis of the McCarran-Walter Act; Note, "Deportation and Due Process," *Stanford Law Review*, Vol. 5, pp. 722-50 (July, 1953).

²⁷ 347 U.S. 522 (1954). This case came up by way of habeas corpus, as usual. The Solicitor General has recently recommended, as a substitute for habeas corpus, which is available only after the alien has been taken into custody for deportation, judicial review of a final order of deportation by petition on the part of an alien who is not in custody. A proposed bill which would authorize this procedure was approved by the Judicial Conference of the United States at a session held on April 15 and 16, 1954. See Report, House Doc. 475, 83d Cong., 2d sess., p. 15.

²⁸ *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952).

that on the basis of extensive investigations, Congress made a finding that the Communist movement was a world-wide revolutionary movement, and made present or former membership in the party in and of itself a ground for deportation. He could not say that the congressional classification was so baseless as to violate due process. The power of Congress over aliens is necessarily very broad, since it touches upon "basic aspects of national sovereignty, more particularly our foreign relations and the national security." He admitted that it is harsh to deport an alien without permitting him to show that he was unaware of the Communist party's advocacy of violence, but pointed out that nothing is more firmly established than the proposition that policies respecting the entry and deportation of aliens are the exclusive concern of Congress.

Justice Black dissented, noting that between 1944 and 1946 the Communist party was a legal, functioning party which appeared on the ballots. He noted that Galvan had an American wife and four children, and that there was strong evidence that he was "a good, law-abiding man, a steady worker and a devoted husband and father loyal to this country and its form of government." Such a man, he argued, should not be deported for doing something which was lawful when done. Justice Douglas also filed a dissenting opinion, in which he maintained that it was contrary to experience to say "that because a man was once a Communist, he always must carry the curse." If aliens are to be deported, he asserted, it must be for what they are and do, and not for what they once believed. The answer of the majority was that it is an unbroken rule that the *ex post facto* doctrine does not apply to deportation. The fiction still persists that deportation is not punishment in the legal sense.

While the deportation laws are not penal in character, the Court noted in another case, *Barber v. Gonzales*,²⁹ that as a practical matter they may result in banishment or exile, and therefore should be strictly construed. Here the Court ruled that a man born in the Philippine Islands who came to this country in 1913, and thus prior to the Philippine Independence Act of 1934, had not made an "entry" within the meaning of Section 19 (a) of the Immigration Act of 1917. This Section provided for the deportation of an alien who, "after entry," had been sentenced more than once to imprisonment for terms of one year or more for crimes involving moral turpitude. Chief Justice Warren held that the word "entry" has acquired a special technical meaning through judicial construction, and signifies coming from a foreign country. The Philippine Islands could not be regarded as foreign for immigration purposes prior to 1934. Three dissenting Justices thought that "it is not the public policy of this country to construe its statutes strictly in favor of alien criminals whose convictions have already been established of record."

An interesting procedural issue with due process overtones was resolved by a 5-4 vote in *U. S. ex rel. Accardi v. Shaughnessy*.³⁰ Though admittedly deportable, Accardi applied for suspension of deportation under Section 19(c) of the Immigration Act of 1917, which authorizes the Attorney General to suspend

²⁹ 347 U.S. 637 (1954). ³⁰ 347 U.S. 260 (1954).

the deportation of an alien who has proved good moral character for the preceding five years if he finds that the deportation would result in serious economic detriment to a citizen or legally resident alien who is a spouse, parent, or minor child of the alien. In April, 1953, the Board of Immigration Appeals affirmed the decision of the hearing officer in favor of deportation. Accardi claimed that the denial of his application by the Board was prejudged by the fact that his name appeared in a confidential list, previously issued by the Attorney General, of "unsavory characters" who should be deported. In his habeas corpus proceeding the district court refused to give Accardi a hearing on the issue. The administrative regulations in effect at this time required final review by the Board, the members of which are appointed by the Attorney General and serve at his pleasure. The decisions of the Board are final unless the Attorney General wishes to review.

Five Justices held that the district court should have given Accardi a chance to present proof on the issue of a fair hearing, because in their view the Board was required under the regulations to exercise its own judgment when considering appeals. Justice Clark took the position that the fact that the Attorney General could make a final review supported the inference that the Board should make a decision in accordance with its own belief. Under the regulations, the Board was delegated a discretion as broad as that of the Attorney General, and discretion means that the recipient of the power to decide must exercise his authority according to his own understanding and conscience. "In short," said Justice Clark, "as long as the regulations remain operative, the Attorney General denies himself the right to sidestep the Board or dictate its decision in any manner." He ruled that Accardi ought to have a chance to prove his allegation, and should then receive a fair hearing at which the Board must exercise its own independent discretion, without any consideration being given to the Attorney General's proscription.

The four dissenters maintained that since there is no legal right to have a lawful order of deportation suspended, and since the Board was neither a judicial body nor an independent agency, but a mere creation of the Attorney General, every decision of which was subject to his unlimited review, the decision to suspend deportation is entirely within the Attorney General's discretion. In their view, the Board was a mere advisory body consisting of members of the Attorney General's own staff. They also argued that the power to suspend deportation was a discretionary and purely executive function which, like the pardoning power, is not subject to judicial review.

Fair Trial. After conviction by a jury for evasion of income taxes, the defendant learned for the first time that during the trial an unnamed person had told the foreman of the jury that he could profit by bringing in an acquittal. The juror had reported this to the judge, who in turn notified the district attorney. Then the FBI made an investigation, and apparently the judge and the prosecutor, on the basis of its report, decided that the remark to the juror had been made in jest, and nothing further was said or done about the matter. The Supreme Court unanimously ruled that the defendant was entitled to a

hearing before the trial court to determine whether the incident was prejudicial, and to a new trial in case it was.³¹ In criminal cases, said Justice Minton, any private contact with a juror during trial is presumptively prejudicial, if not made under the known rules of court, with full knowledge of the parties. The presumption is not conclusive, but the burden is on the government to prove, at a hearing, that the contact with the juror was harmless to the defendant. A trial court, it was indicated, should not decide the sort of question at issue here in an *ex parte* manner.

The concept of a fair trial also requires that the indictment must state clearly what the charges are, so that a defense can be prepared.³² The sufficiency of the charges was at issue in *United States v. Debrow*,³³ where the Court reviewed the dismissal of an indictment for perjury before the Senate Subcommittee on Investigations. The statute under which the prosecution was brought makes it a crime for anyone to commit perjury after "having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered." The lower courts in Debrow's case dismissed the indictment because it did not give the name of the person who administered the oath or his authority to do so. The Supreme Court Justices all agreed that the indictment was sufficient and proper, because it set forth all the elements of the offense charged. Justice Minton pointed out that the Federal Rules of Criminal Procedure was designed to eliminate technicalities in pleading. Rule 7 (c) requires that the indictment "shall be a plain, concise and written statement of the essential facts constituting the offense charged." It was held that the name of the person who administered the oath was not an essential element of the crime of perjury, his identity going only to the proof of whether the defendant was duly sworn. Furthermore, a former statutory requirement that an indictment for perjury must aver the name and authority of the person who administered the oath was expressly repealed when Congress revised the criminal code in 1948. It was sufficient that the indictment alleged that the Senate subcommittee was a competent tribunal authorized to administer oaths. Since the indictment followed substantially the language of the statute, which spells out all the elements of the crime, the Court thought it was inconceivable that Debrow could possibly have been misled as to the offense with which he was charged.

Search and Seizure. It will be recalled that in 1914, in the *Weeks* case,³⁴ it was established that in a federal court the defendant may move for suppression of evidence secured in violation of the Fourth Amendment. A fresh exception to this exclusionary rule was adopted by the Supreme Court in *Walder v. United States*.³⁵ Walder had been indicted in 1950 for purchasing and possessing one

³¹ *Remmer v. United States*, 347 U.S. 227 (1954).

³² See Comment, "The Lattimore Case: Congressional Investigations and the Constitution," *Northwestern University Law Review*, Vol. 49, pp. 77-86 (March-April, 1954).

³³ 346 U.S. 374 (1953).

³⁴ *Weeks v. United States*, 232 U.S. 383 (1914).

³⁵ 347 U.S. 62 (1954). See E. G. Trimble, "Search and Seizure under the Fourth Amend-

grain of heroin. Claiming that the heroin capsule had been obtained through an unlawful search and seizure, Walder moved to suppress the evidence, and the motion was granted and the case dismissed. In 1952 Walder was again indicted, this time for other sales of narcotics. At this trial, on direct examination, he testified that he had never sold narcotics to anyone, and that he had never had narcotics in his possession, or given narcotics to anyone. He repeated all this on cross-examination. Over objection, the government then questioned him about the heroin capsule which had been seized unlawfully back in 1950. He denied that narcotics were taken from him at that time. The government then put on the stand one of the officers who had participated in the unlawful search and seizure, and the chemist who had analyzed the evidence. The trial judge admitted this testimony, but carefully charged the jury that the testimony concerning the earlier event was to be used, not to determine whether Walder had committed the 1952 offense, but solely for the purpose of impeaching his credibility. The Supreme Court, Justices Black and Douglas dissenting without opinion, ruled that the defendant's assertion on direct examination that he had never possessed any narcotics opened the door, solely for the purpose of attacking his credibility, to evidence of the heroin unlawfully seized in connection with the earlier proceeding.

Speaking for the Court, Justice Frankfurter made it clear that the government cannot violate the Fourth Amendment by using the fruits of unlawful conduct directly or indirectly to secure a conviction. But, he maintained, "it is one thing to say that the Government cannot make an affirmative use of evidence unlawfully obtained. It is quite another to say that the defendant can turn the illegal method by which evidence in the Government's possession was obtained to his own advantage, and provide himself with a shield against contradiction of his untruths. Such an extension of the *Weeks* doctrine would be a perversion of the Fourth Amendment." That is to say, Walder went beyond denying the crime he was charged with; he made a sweeping claim that he had never dealt with or possessed narcotics. He was perfectly free to deny all the elements of the case against him without thereby giving leave to the government to introduce by way of rebuttal evidence illegally secured. But beyond that, the Court ruled, there is no justification for permitting the defendant affirmatively to resort to perjurious testimony in reliance upon the government's disability to challenge his credibility. In other words, the defendant by his own conduct had in effect waived his right under the Fourth Amendment. The well-known *Agnello* case³⁶ was distinguished on the ground that there the government had taken the initiative in raising the issue for the first time on cross-examination.

Double Jeopardy. Two men were convicted of violating the mail fraud statute and the National Stolen Property Act, and of conspiracy to commit the crimes charged in the substantive counts. The Court ruled that this did not constitute

ment as Interpreted by the U. S. Supreme Court," *Kentucky Law Journal*, Vol. 42, pp. 197-231, 423-54 (Jan., March, 1954).

³⁶ *Agnello v. United States*, 269 U.S. 20 (1925).

double jeopardy.³⁷ Said the Chief Justice: "It is settled law in this country that the commission of a substantive offense and a conspiracy to commit it are separate and distinct crimes, and a plea of double jeopardy is no defense to a conviction for both. . . . Only if the substantive offense and the conspiracy are identical does a conviction for both constitute double jeopardy." He pointed out that here the substantive offenses could have been committed by individuals, whereas the essence of conspiracy is agreement between two or more people. There was an additional point raised in this case. One of the defendants was the principal defendant, the other having been charged with aiding and abetting. The Court held that aiding and abetting are not terms which presuppose the existence of an agreement. They have a broader application, making the defendant a principal when he consciously shares in a criminal act, regardless of the existence of a conspiracy.

Disbarment. Sacher was sentenced to imprisonment for six months for contempt growing out of his conduct in the *Dennis* case.³⁸ Thereupon the United States District Court for the Southern District of New York disbarred him permanently. The District Court made no finding of conspiracy, or of moral turpitude, or of prior misconduct during 24 years of practice. Its conclusion to disbar was based upon a finding of contumacious conduct resulting from excessive zeal in behalf of clients which obscured the recognition of his responsibility as an officer of the court. In a brief *per curiam* opinion the Supreme Court ruled that in view of the entire record and the findings of the court below, permanent disbarment was unnecessarily severe.³⁹ Justice Burton dissented without opinion. Justice Reed filed a lengthy dissenting opinion, in which he argued that the Court's action was inconsistent with the previous practice of leaving exclusions from their bars to the judgment of the district courts except where there has been an abuse of discretion. He warned that unethical practices are contagious, and emphasized that Sacher had been guilty of reprehensible conduct throughout the long trial. Furthermore, he maintained that a prior conviction for contempt, far from being a consideration in mitigation of discipline in disbarment proceedings, adds force to the need to disbar.

2. THE FEDERAL COMMERCE POWER

There were a number of cases during the 1953 Term which presented interesting issues deriving from legislation enacted by Congress under the Commerce Clause. Widely noted was the decision in *Toolson v. New York Yankees*,⁴⁰ which held that organized baseball was not within the scope of the Sherman Act. In a brief one-paragraph *per curiam* opinion, a majority of seven Justices pointed out that in 1922 the Court had ruled that professional baseball was not covered by the antitrust laws, the business of giving exhibitions being purely local, and the transportation of players and equipment incidental.⁴¹ With full

³⁷ *Pereira v. United States*, 347 U.S. 1 (1954).

³⁸ *Dennis v. United States*, 341 U.S. 494 (1951).

³⁹ *Sacher v. United States*, 347 U.S. 388 (1954).

⁴⁰ 346 U.S. 356 (1953).

⁴¹ *Federal Baseball Club v. National League*, 259 U.S. 200 (1922).

knowledge of this ruling Congress has not seen fit to bring the business under the antitrust laws, and thus for 30 years it has been allowed to develop on the understanding that it was not subject to existing antitrust legislation. "We think," said the Court, "that if there are evils in this field which now warrant application to it of the antitrust laws it should be by legislation." Justice Burton reviewed the facts of life about modern baseball in a substantial dissenting opinion, and concluded that interstate commerce is involved. He considered such factors as the wide distribution of capital investments, the constant travel, the interstate transmission of money, the purchase of material in interstate commerce, the interstate movement of audiences, radio and television activities, the highly organized farm system, and the sponsorship of interstate advertising. Of course, he maintained, it is within the discretion of Congress to decide whether baseball should be given special treatment, but so far Congress has enacted no express exemption.⁴²

The government brought an action against a Chicago trade association of plastering contractors and a local labor union of plasterers alleging violation of the Sherman Act. About 60 per cent of the plastering done in the Chicago area was involved, and the charge was that the parties conspired to prevent competition among local contractors, to prevent out-of-state contractors from doing any business in Chicago, and to bar entry of new local contractors without approval of a private examining board. It was shown that substantial quantities of the materials used are produced in other states, being purchased by Illinois building materials dealers, and shipped to Illinois, sometimes to dealers, and sometimes directly to the job sites for use by the contractors. The District Court did not question that the factual allegations showed a combination to restrain competition, but held that these allegations were wholly a charge of local restraint not reached by the Sherman Act. The Supreme Court reversed.⁴³

Speaking for the Court, Justice Black held that restraint or disruption of plastering work in Chicago necessarily affects adversely an interstate flow of plastering materials. The complaint plainly charged that the effect of all the local restraints was to restrain interstate commerce. He was not impressed with the argument that all interstate commerce ended before the local restraints became effective. Said Justice Black: "Where interstate commerce ends and local commerce begins is not always easy to decide and is not decisive in Sherman Act cases. . . . That wholly local business restraints can produce the effects condemned by the Sherman Act is no longer open to question." A similar conclusion was reached in a companion case involving lathing contractors and the lathers union in the Chicago area.⁴⁴ Justice Minton, with the concurrence of Justice Douglas, filed a dissenting opinion which argued that the activities complained of were wholly intrastate, and the restraint upon interstate commerce,

⁴² On the general subject see Joel B. Dirlam and Alfred E. Kahn, *Fair Competition: The Law and Economics of Antitrust Policy* (Cornell 1954). See also Robert E. Lane, *The Regulation of Businessmen* (New Haven, 1954).

⁴³ *United States v. Employing Plasterers Assoc.*, 347 U.S. 186 (1954).

⁴⁴ *United States v. Employing Lathers Assoc.*, 347 U.S. 198 (1954).

if any, so indirect, remote, and inconsequential as to be unrelated to any purpose of conspiring to restrain interstate commerce. Justice Minton thought that interstate commerce ended when the materials reached the building site.

In *United States v. Borden Co.*⁴⁵ a unanimous Court held that a grant of relief under the Clayton Act to a private plaintiff did not bar the government from getting similar relief, the public and private actions provided for in the Act being cumulative and not mutually exclusive. Private parties serve their own interests, whereas the government seeks to protect the public through injunctive remedies and contempt proceedings to enforce compliance. It is clear, said Justice Clark, "that Congress did not intend that the efforts of a private litigant should supersede the duties of the Department of Justice in policing an industry."

The scope of interstate commerce under the Labor Act was at issue in *Howell Chevrolet Company v. NLRB*.⁴⁶ After a hearing, the Labor Board concluded that the Company, which retails Chevrolet automobiles and parts in Glendale, California, was guilty of unfair labor practices. The Act extends to any person who adversely "affects commerce," or to unfair labor practices which tend "to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce." The Company purchased its new cars from a General Motors assembly plant located in California, and its spare parts and accessories were delivered to it from GM warehouses in the state. About 43 per cent of all this merchandise was manufactured in other states and shipped to California for assembly or distribution. During 1949 the Company's purchases from GM exceeded \$1,000,000. Furthermore, this local retail establishment was closely supervised by GM, operating under an agreement which included varied and detailed reports of business affairs, a commitment to conduct the business in a manner satisfactory to GM, inspection of books, facilities, and stocks, a uniform accounting system, and other relationships, all of which emphasized the interdependence of the Company's local activities with GM's national activities. On this evidence, the Court ruled that the Board was justified in finding that the Company was an integral part of GM's national system of distribution, and that its repeated unfair labor practices tended to lead to disputes burdening or obstructing commerce among the states.

However, in construing the Johnson Act of 1951, which prohibits the transportation of gambling devices in interstate commerce except to a state which exempts itself or its subdivisions by law, the Court by a 5-4 vote took a stricter view of the issue of interstate commerce coverage.⁴⁷ The statute provides that every manufacturer or dealer in gambling devices, under pain of criminal penalties, must register annually with the Attorney General and file statements each

⁴⁵ 347 U.S. 514 (1954).

⁴⁶ 346 U.S. 482 (1953). See Archibald Cox, "Federalism in the Law of Labor Relations," *Harvard Law Review*, Vol. 67, pp. 1297-1348 (June, 1954); Paul R. Hays, "Federalism and Labor Relations in the United States," *University of Pennsylvania Law Review*, Vol. 102, pp. 959-79 (June, 1954).

⁴⁷ *United States v. Five Gambling Devices*, 346 U.S. 441 (1953).

month giving detailed information as to each device sold. Forfeiture of devices sold in violation of the Act is also authorized. Two indictments charged two men with dealing in gambling devices without registering with the Attorney General and reporting sales and deliveries. In another proceeding a libel was brought to forfeit five gambling machines seized by FBI agents from a country club in Tennessee. The indictments did not allege that the accused dealers bought, sold, or moved gambling devices in interstate commerce, and the libel did not indicate that the club's machines were at any time transported in or in any way affected interstate commerce. The defendants maintained that the Act should not be construed to reach dealers, transactions, or machines unless shown to have some relation to interstate commerce. The district court dismissed the indictments on the ground that the Act was not intended to cover an activity which was wholly local. A bare majority of the Supreme Court affirmed, but without reaching agreement on an opinion.

Speaking for himself, and Justices Frankfurter and Minton, Justice Jackson took the position that it was possible, and preferable, to avoid ruling on the constitutional question, which was neither frivolous nor unimportant, though he rejected the government's argument that Congress may constitutionally require reporting of all intrastate transactions without reference to interstate commerce in order to make interstate commerce regulation effective. In fact, he could find no instance where Congress has attempted to impose reporting duties under the commerce power which would raise the question posed in these proceedings. He conceded that if read literally, the Act is capable of the broad construction urged by the government, but "against the background of our tradition and system of government," he could not say that the lower court was wrong in holding that the statute did not reach purely intrastate matters. He found the legislative history "conspicuously meager and unenlightening," but concluded that Congress did not intend to substitute federal for state enforcement. Justice Jackson's opinion rested upon two premises: that the Court should not construe a statute in such a manner as to have to decide constitutional questions if the statute can be construed otherwise, and that a strong presumption of constitutionality is accorded to acts of Congress. In a separate concurring opinion Justice Black, with whom Justice Douglas agreed, raised a self-incrimination issue, but ruled, mainly, that one phrase inadvertently left in the statute rendered the statute void for vagueness.

Speaking for the dissenters, Justice Clark maintained that there was no possible alternative to the view that Congress intended to require every manufacturer or dealer in gambling devices to register and supply the necessary information, without reference to interstate commerce. He did not agree that the statute was unconstitutionally vague, and argued that one who honestly tried to obey this law would have no difficulty in doing so without undue mental strain. Thus construed, the Act was not in his opinion outside the constitutional powers of Congress, since the reporting provisions of the Act were designed to make effective the interstate shipment ban. Unless all local sales are reported, it was thought that it would be easy to conceal the identity of the interstate

transporter. While Congress has never attempted to pass such a sweeping law before, Justice Clark took the position that novelty does not prove unconstitutionality. In view of the elusive nature of the object whose interstate shipment is being controlled, he said, it may be asserted that every sale of slot machines affects the exercise of the power of Congress over commerce.

An important issue in connection with federal regulation of the natural gas industry was disposed of by a 5-3 vote in the case of *Phillips Petroleum Co. v. Wisconsin*.⁴⁸ Phillips is an "independent" natural gas producer, in that it does not engage in the interstate transmission of gas from the producing fields to consumer markets, and is not affiliated with any interstate pipeline company. Phillips sells natural gas to five interstate pipeline companies which transport and resell the gas to consumers and local distributors in 14 states. A substantial part of the gas is produced in connection with the production of oil. The gas flows from the wells to processing plants, and after processing the gas flows through an outlet pipe to a delivery point where it is sold and delivered to an interstate pipeline company. After a hearing the Federal Power Commission concluded that Phillips is not a natural gas company within the meaning of the Natural Gas Act, and that therefore its rates were not subject to Commission supervision.

The Act authorizes the Commission to regulate the rates of natural gas companies which are "engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale." The Act declares: "The provisions of this Act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural-gas companies engaged in such transportation or sale, but shall not apply . . . to the production or gathering of natural gas." Phillips claimed that it came within the scope of the exception stated in the last portion of the above provision. The Court of Appeals for the District of Columbia overruled the Commission, and held that the Commission had jurisdiction. The Supreme Court agreed. It was concluded that statutory language, legislative history, and past Court decisions all supported the proposition that Phillips' sales in interstate commerce of natural gas for resale were within the ambit of the Commission's powers.

Speaking for the Court, Justice Minton ruled, in the first place, that the production and gathering ended before Phillips' sales occurred, relying upon previous cases holding that transportation and sale do not include production and gathering. In the second place, it was held that Congress did not intend to cover only interstate pipeline companies. The Act speaks of Commission jurisdiction over transportation or sale for resale in interstate commerce, and not

⁴⁸ 347 U.S. 672 (1954). See the symposium on "The Regulation of Natural Gas," *Law and Contemporary Problems*, Vol. 19, pp. 323-473 (Summer, 1954), and particularly Bradford Ross and Bernard A. Foster, Jr., "Phillips and the Natural Gas Act," pp. 382-412, and Ralph K. Huitt, "Natural Gas Regulation under the Holding Company Act," pp. 455-73.

of transportation *and* sale for resale. Justice Minton argued that the legislative history shows that Congress intended to give the Commission jurisdiction over the rates of all wholesalers of natural gas in interstate commerce, whether by pipeline company or not, and whether occurring before, during, or after transmission by an interstate pipeline company. There was no doubt in his mind that the overriding purpose of Congress was to plug the gap in regulation resulting from judicial decisions prohibiting on federal constitutional grounds state regulation of many of the interstate commerce aspects of the natural gas business. He was satisfied "that Congress sought to regulate wholesales of natural gas occurring at both ends of the interstate transmission systems." Finally, he noted that the regulation of sales in interstate commerce for resale by a so-called independent producer is not essentially different from regulation of such sales when made by an affiliate of an interstate pipeline company. In both cases, the rates charged may have a direct and substantial effect on the price paid by the ultimate consumers, and protection against exploitation of consumers by natural gas companies was the primary aim of the Act. Justice Frankfurter filed a concurring opinion to emphasize that the basic purpose of the statute was to occupy a field in which the states may not act.

In his dissenting opinion, Justice Douglas took the position that while he had no doubt of the power of Congress to regulate sales at both ends of the interstate pipelines, he did not believe Congress intended to reach the independent producers. This question, he thought, ought to be settled by Congress, and not by the Court. Justice Clark also filed a dissenting opinion in which Justice Burton concurred. His argument was that Phillips fell within the meaning of the Act's exception of the production or gathering of natural gas. He thought that the command of the statute was clear, that under the Court's sweeping interpretation the Commission was thrust into a regulatory domain traditionally left to the states, and that Phillips' activities were local in character. He also argued that the gap intended to be closed was at the distribution end of the transmission process, and that the states have always regulated production and gathering at the other end. It was not, in his opinion, the intent of Congress to interfere with state regulation.

3. FEDERAL REGULATION OF COPYRIGHTS

The federal copyright statute authorizes registration of "works of art" and "reproductions of a work of art." Stein, a manufacturer and seller of table lamps, created original works of sculpture, in the form of statuettes of male and female dancing figures, by traditional clay-model technique. The statuettes, without any lamp components added, were registered at the Copyright Office as "works of art." Another manufacturer and seller of lamps, Mazer, copied the statuettes without authorization, and embodied them in lamps. The controversy between them centered around the fact that although copyrighted as "works of art" the statuettes were intended for use and used as bases for table lamps. The district court dismissed a complaint charging copyright infringement, but the Court of Appeals reversed, holding that a subsequent utilization

of a work of art in an article of manufacture in no way affects the right of the copyright owner to be protected against infringement of the work of art itself. Seven Justices of the Supreme Court agreed.⁴⁹

Speaking for the Court, Justice Reed noted that the constitutional power of Congress to confer copyright protection on works of art or their reproduction is not subject to question. Indeed, the petitioner conceded that Congress has the power to include statues and pictures within the constitutional term "authors." It was pointed out that the course of legislation since 1790 indicates that Congress has intended to include more than the traditional fine arts within the scope of the copyright statute. Coverage has been extended to more and more things, ranging from books to musical compositions, photographs, cuts, engravings, statues, and so forth. Weight was also attached to the long-continued construction of the law by the Copyright Office to allow registration of the sort of statuettes involved in this litigation. "Individual perception of the beautiful," said Justice Reed, "is too varied a power to permit a narrow or rigid concept of art." Perhaps the best standard is that protection be extended to original things pertaining to the arts.

The petitioner argued, however, that industrial and technological developments should be protected by patents and not copyrights. But Justice Reed ruled that since the Court had decided that these statuettes were copyrightable, it was unnecessary to decide the question of their patentability. It was held that the question of patentability does not bar copyright as works of art. No statute says that because a thing is patentable, it may not be copyrighted. Unlike a patent, it was noted, a copyright gives no exclusive right to the idea itself, but only to the expression of the idea. Copyright protects originality rather than novelty or invention, and all it confers is the sole right of multiplying copies. In the absence of copying there can be no infringement of copyright. Thus Stein may not exclude others from using statuettes of human figures in table lamps; he may only prevent use of copies of his statuettes. Finally, the Court ruled that there is nothing in the copyright law which supports the argument that intended use or use in industry of an article eligible for copyright bars or invalidates its registration. Nor does it matter whether registration comes before or after embodiment in an industrial article.

In a dissenting opinion agreed to by Justice Black, Justice Douglas maintained that the case ought to be put down for reargument, in order to consider an important constitutional issue which was raised in oral argument but not in the briefs. The issue was whether these statuettes may be copyrighted, since the pertinent constitutional clause speaks only of "authors" and "writings." Justice Douglas insisted that the Court has never decided the question whether a sculptor is an "author" and his statue a "writing" within the meaning of the Constitution. He took note of a long list of articles which have been copy-

⁴⁹ *Mazer v. Stein*, 347 U.S. 201 (1954). See the symposium, "Literary and Artistic Products and Copyright Problems," *Law and Contemporary Problems*, Vol. 19, pp. 139-322 (Spring, 1954), and the Annotation in 98 L. Ed. 644.

righted by the Copyright Office, including bookends, clocks, lamps, door-knockers, chandeliers, piggy banks, sundials, salt and pepper shakers, fish bowls, and ash trays. Said Justice Douglas: "Perhaps these are all 'writings' in the constitutional sense. But to me, at least, they are not obviously so. It is time that we came to the problem full face."

4. THE FEDERAL POWER TO DISPOSE OF PROPERTY

Alabama and Rhode Island filed motions with the Supreme Court for leave to file complaints challenging the right of Texas, Louisiana, Florida, and California to hold property ceded to them by the Submerged Lands Act of 1953. Article 4, Section 3, Clause 2 of the Constitution provides: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States." In a one-paragraph *per curiam* opinion, six Justices ruled summarily that the power of Congress to dispose of any kind of property belonging to the United States is vested in Congress with limitation.⁵⁰ Congress exercises not only legislative but also proprietary power over the public domain. It is not for the courts to say how Congress should administer its trust. Chief Justice Warren did not participate, and Justice Reed filed a concurring opinion which came to grips with the issues raised.

In his dissenting opinion, Justice Black argued that under the Act in question some favored states can say how other states and their citizens can use the ocean or its resources. He doubted whether Congress can relinquish elements of national sovereignty over the oceans, and thought it was dangerous to deprive the United States of complete control of the oceans bordering the nation. "And I have trouble also," he said, "in thinking Congress could sell or give away the Atlantic or Pacific oceans." Justice Douglas, in his dissenting opinion, agreed with Justice Black that the issue is not the power of Congress to dispose of property. The whole point in the earlier tidelands cases⁵¹ was that more than property rights were involved. The problem is one of the incidents of national sovereignty. He insisted that the United States can no more delegate away its exclusive and paramount authority over the marginal sea than it can give up any other great power vested in it by the Constitution. In his view Congress can no more cede the marginal belt than it can the Columbia or Mississippi Rivers. Nor did he believe that the economic interests in the marginal sea can be separated from the political. If it was necessary for Texas to surrender her property rights in the marginal sea in order to enter the Union on an "equal footing," how, he asked, can she get back these very rights and still remain on an equal footing with the other states? He insisted that what Texas and the other favored states got in the Submerged Lands Act was what the

⁵⁰ *Alabama v. Texas*, 347 U.S. 272 (1954). See the note on this case in *University of Pennsylvania Law Review*, Vol. 102, pp. 804-8 (April, 1954).

⁵¹ *United States v. California*, 332 U.S. 19 (1947); *United States v. Louisiana*, 339 U.S. 699 (1950); *United States v. Texas*, 339 U.S. 707 (1950).

Court held the equal footing clause forbade them to retain. "Our Union," he declared, "is one of equal sovereigns, none entitled to preferment denied the others."

Justice Reed made reply. The fact that Alabama and Texas and all the other states involved in this attempted litigation were admitted into the Union upon an equal footing, he argued, does not affect the power of Congress to dispose of federal property. The equal footing concept does not require the courts to wipe out the economic diversities among the states; it calls only for parity as regards political standing and sovereignty. The power of Congress to cede property to one state without a corresponding cession to all states has been consistently recognized. He noted that in the tideland cases the Court had ruled that the federal government has paramount rights over the marginal sea, an incident of which is full dominion over the resources in the area. This incident, said Justice Reed, is a property right and Congress has unlimited power to dispose of it.

Furthermore, said Justice Reed, if the tidelands cases declared that the marginal lands belonged to the United States, then the 1953 Act ceded them to the states. If the marginal lands were not declared to belong to the United States, then title remained in the states. It follows that the lands are now the property of the states, either by original ownership or cession, and no other state can challenge such ownership. Finally, he maintained, the cession challenged here does not affect the power and responsibility of the United States as a sovereign to protect the country against its enemies. The federal government has the same duty in the marginal sea area that it has anywhere else. And the 1953 Act expressly declared that the United States retains "all its navigational servitude and rights in and powers of regulation and control . . . for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States. . . ." Thus, said Justice Reed, the Act does not authorize individual states to alter the historic relations of the states to ocean navigation.

5. FEDERAL JUDICIAL POWER

Case or Controversy. A union and several of its alien members brought an action to enjoin the District Director of Immigration and Naturalization at Seattle from so construing a section of the Immigration and Nationality Act of 1952 as to treat aliens domiciled in the continental United States returning from temporary work in Alaska as if they were aliens entering the country for the first time. The union had over 3,000 members, some of them aliens, who work every summer in the Alaska canneries. It claimed that if alien workers going to Alaska for the 1953 canning season were excluded, on their return, their contract property rights would be jeopardized and forfeited. The Supreme Court directed that the complaint be dismissed on the ground that nothing as

yet had happened.⁵² Said Justice Frankfurter: "That is not a lawsuit to enforce a right; it is an endeavor to obtain a court's assurance that a statute does not govern hypothetical situations that may or may not make the challenged statute applicable. Determination of the scope and constitutionality of legislation in advance of its immediate adverse effect in the context of a concrete case involves too remote and abstract an inquiry for the proper exercise of the judicial function." The two dissenters, Justices Black and Douglas, thought that the threatened injury was not remote or hypothetical, since the District Officer had announced that he intended to enforce the statute as the union and its members feared. "Workers threatened with irreparable damages, like others," Justice Douglas declared, "should have their cases tried."

Declaratory Judgments. The Court also denied declaratory relief in the above case. The Court's tendency to limit the scope of the declaratory judgment procedure was also reflected in another case⁵³ where the issue was whether the California Public Utilities Commission had jurisdiction over air flights between California and Catalina Island, which, though a part of California, is 30 miles from the mainland. United Air Lines got a federal district court to issue a declaratory judgment to the effect that the Civil Aeronautics Board had exclusive jurisdiction. The Supreme Court reversed by a 6-2 vote, holding in another one-paragraph *per curiam* opinion that reversal was dictated by a 1952 case⁵⁴ which held in effect that the declaratory judgment procedure will not be used to prejudge issues committed for initial decision by an administrative body, particularly where one is asking a federal court to frustrate action by a state agency. In such situations review procedures are normally adequate to protect federal rights. The two dissenting Justices, Douglas and Reed, thought that the issue was clear-cut and the controversy real and substantial, and that nothing would be gained by requiring the petitioner to go through a long, laborious, and expensive administrative hearing before the state commission, and then work up through the courts, in order to present to the Supreme Court the legal question of what constitutes "high seas." Since the controversy could be settled by a ruling of law, they thought the Court ought to go ahead and rule on it.

Federal Tort Claims Act. Gilman, a United States government employee, had a collision while driving a government automobile. The injured party sued the United States, and the United States filed a third-party complaint against Gilman, asking that if it should be held liable to the other party, it have indemnity from Gilman. The district court found that the injuries were caused solely by Gilman's negligence, and entered judgment against the United States, and also for the United States in the same amount. While the right of indemnity is not expressly granted in the Tort Claims Act, the government argued that it

⁵² *International Longshoremen's and Warehousemen's Union v. Boyd*, 347 U.S. 222 (1954).

⁵³ *Public Utilities Commission of California v. United Air Lines*, 346 U.S. 402 (1953).

⁵⁴ *Public Service Commission of Utah v. Wycoff Co.*, 344 U.S. 237 (1952).

should be implied, since a private employer has a common-law right of indemnity against an employee whose negligence has made the employer liable. All the Act says about the liability of government employees is that a judgment against the United States is "a complete bar" to any action by the claimant against the employee. The Supreme Court unanimously set aside the district court's judgment.⁵⁵ It took the position that many important policy questions are involved in the complex relations between the government and its employees, such as tenure, retirement, discharge, veterans preference, discipline, morale, and fiscal policy. Thus a policy of indemnification is appropriately the function of those who write the laws rather than of those who interpret them.

*Judicial Review of Administrative Decisions.*⁵⁶ Dickinson, a Jehovah's Witness, devotes some 150 hours a month to various religious activities, but receives no salary for his religious work, his entire income being derived from working an average of five hours a week as a radio repairman. His draft board denied his claim to a ministerial exemption, and when he refused to submit to induction he was convicted in a criminal prosecution, which the Supreme Court set aside by a 6-3 vote.⁵⁷ The statute defines the terms "duly ordained" and "regular" ministers of religion, and declares that they do not include a person "who irregularly and incidentally preaches and teaches the principles of religion," or a duly ordained minister "who does not regularly, as a vocation, teach and preach the principles of religion." The Act also declares that the classification orders of the selective service authorities shall be "final." But in 1946, in the *Estep* case,⁵⁸ the Court had ruled that while "final" precludes the customary scope of judicial review, and means that courts are not to weigh the evidence to determine whether the classification made by the local boards was justified, the board may not act without jurisdiction, and lacks jurisdiction "if there is no basis in fact for the classification which it gave the registrant."

While the ministerial exemption is a narrow one, the Court ruled that Dickinson met the statutory criteria: he had been ordained in accordance with the ritual of his sect, he taught and preached regularly and conducted public worship as a vocation, and it is no concern of the Court that his sect is unorthodox. Furthermore, it was held that the statutory definition does not preclude all secular employment, since many preachers, even in the more traditional sects, may not have congregations that can pay a living wage. Congress did not intend to discriminate against those who minister to the poor.

The Court conceded that the local draft boards are not courts, and are not bound by traditional rules of evidence, and that if the facts are disputed the board has the ultimate responsibility for making a decision and the courts will not interfere. Nor will the courts apply the "substantial evidence" test. But

⁵⁵ *United States v. Gilman*, 347 U.S. 507 (1954).

⁵⁶ See the invaluable article by Bernard Schwartz, "The Administrative Procedure Act in Operation," *New York University Law Review*, Vol. 29, pp. 1173-1264 (June, 1954).

⁵⁷ *Dickinson v. United States*, 346 U.S. 389 (1953).

⁵⁸ *Estep v. United States*, 327 U.S. 114 (1946).

here all the evidence in the record was in favor of Dickinson, and there was no affirmative evidence to support the local board's finding. The board has ample means for getting information: it may question the registrant under oath, subpoena witnesses and documents, get information from state and national governmental authorities, and call upon the investigative agencies of the federal government. But, said Justice Clark, "when the uncontroverted evidence supporting a registrant's claim places him *prima facie* within the statutory exemption, dismissal of the claim solely on the basis of suspicion and speculation is both contrary to the spirit of the Act and foreign to our concepts of justice."

This decision seems to come to this: that while a draft board classification is "final," and is not subject to ordinary review in the courts, a measure of collateral review, either in a habeas corpus action or a criminal prosecution, is possible in the sense that the courts will inquire whether the board had "jurisdiction." Once the registrant has demonstrated that he falls within the exemption, then the board cannot make a decision merely by refusing to believe his evidence, but must develop other evidence to support its conclusion. The three dissenting Justices protested that there was nothing in the Act which requires the board to build a record of affirmative evidence to justify its classification. They thought that the factual question was left entirely to the board. Furthermore, they noted that the usual rule is that one who claims the benefit of an exemption in a statute carries the burden of proving that he is entitled to it. They insisted that in the absence of affirmative proof by the registrant that the board had misconstrued the law or acted arbitrarily, the board's decisions are final and not subject to judicial review. Whether there is sufficient evidence to grant the exemption was left by Congress wholly with the board. But the dissenters did not explain the nature of review if the courts examined the question of whether the decision was "arbitrary."

Admiralty Jurisdiction. Eight individuals who owned interests aggregating 85 per cent of a ship certificated under the maritime laws of the United States brought an action in a California state court for a partition sale and division of the proceeds. The ninth co-owner, who had a 15 per cent interest, challenged the jurisdiction of the state court, arguing that only a United States district court sitting in admiralty could take jurisdiction. The Supreme Court held, for the first time, that the power of admiralty was broad enough for a federal district court to order vessels sold for partition, but it also held that this power was not exclusively national.⁵⁹ The Court noted that since 1789 the statutory grant of admiralty and maritime jurisdiction has included a clause which now reads, "saving to suitors in all cases all other remedies to which they are otherwise entitled" (U. S. Code, Title 28, Section 1333). Justice Black declared that the admiralty jurisdiction is exclusive only as to maritime proceedings *in rem*, "that is, where a vessel or thing is itself treated as the offender and made the

⁵⁹ *Madruga v. Superior Court of California*, 346 U.S. 556 (1954). See Note, "From Judicial Grant to Legislative Power: The Admiralty Clause in the Nineteenth Century," *Harvard Law Review*, Vol. 67, pp. 1214-37 (May, 1954).

defendant by name or description in order to enforce a lien." But the statute makes it competent for state courts to hear maritime causes of action in proceedings *in personam*, that is, where the defendant is a person, not a ship. State courts may hear such cases so long as they do not attempt to change substantive maritime law. The Court treated this partition action as a quarrel between persons, and therefore not *in rem* in the admiralty sense. The reason given was that the state court would act only on the interests of the parties, and would not affect the interest of others in the world at large, as it would if this were a proceeding *in rem* to enforce a lien. There is no federal substantive rule, either statutory or judge-made, dealing with partitions, and in view of the small number of cases on the subject, and their essentially local character, the Court decided to leave well enough alone and not fashion one itself. Two dissenting Justices thought that since the jurisdiction of the state court was invoked exclusively for the sale of a vessel, this was an *in rem* proceeding.

In another case the Court held that an action by a carpenter for an injury incurred while working on a ship berthed on navigable waters is a maritime tort governed by national substantive as well as procedural law.⁶⁰ The *Tompkins* Rule does not apply, since it deals only with state-created causes of action. Nor did it make any difference that the action was brought on the "law side" rather than the "admiralty side" of the federal district court. One's rights do not depend upon which label is used.

Suits between States. Arkansas filed a motion asking for leave to file a complaint in the original jurisdiction of the Supreme Court charging that Texas was interfering illegally with a contract entered into by the University of Arkansas and a Texas Foundation, under which the Foundation agreed to contribute \$50,000 for hospital construction. The Attorney General of Texas filed a suit in the Texas courts to enjoin the Foundation on the ground that under Texas law the trust funds of the Foundation must be spent for the benefit of Texas residents. The Court ruled that the Foundation was not an indispensable party to the suit, since the controversy was between the two states.⁶¹ The Court also rejected the contention that the University of Arkansas and not the state was the injured party, since the University is an official state instrumentality created by the legislature. All members of the Court agreed that whether the Texas Foundation can spend money on a project in Arkansas is a question of Texas law. But five Justices ruled that the Arkansas motion ought to be continued until the Texas litigation is concluded, to see whether that litigation resolves the whole controversy, or leaves some federal questions for further consideration. Four dissenting Justices thought that the motion should be denied outright. If the Texas courts cannot decide with finality on the validity and interpretation of its own charter and trust instrument, said Justice Jackson,

⁶⁰ *Pope & Talbot, Inc. v. Hawk*, 346 U.S. 406 (1953). A conflict between a federal statute and a state law was resolved, in the case of a marine insurance claim arising from a maritime accident, in favor of the applicability of the state law. *Maryland Casualty Co. v. Cushing*, 347 U.S. 409 (1954).

⁶¹ *Arkansas v. Texas*. 346 U.S. 368 (1953). See the Annotation in 98 L. Ed. 85.

"then there is little left of the original conception of state power." He thought it improper for the Court to "ride herd" on the Texas courts on the assumption that they might deny Arkansas some federal right.

Relations with State Courts. The Court ruled that in view of the fact that exclusive jurisdiction over a particular labor controversy was vested in the National Labor Relations Board, a federal district court could, on application of the Board, enjoin enforcement of an injunction already obtained from a state court.⁶² Ordinarily federal courts seek to avoid needless conflict with state agencies, but it was pointed out that where Congress has vested in a federal agency exclusive jurisdiction over a subject matter, and intrusion of a state would result in a conflict of functions, the federal court may enjoin the state proceeding in order to preserve the federal right.

II. QUESTIONS OF STATE POWER

1. DUE PROCESS OF LAW

Police Power and the Licensing of Professions. Civil liberties issues continued to loom large in the constitutional litigation reaching the Supreme Court.⁶³ An

⁶² *Capital Service v. NLRB*, 347 U.S. 501 (1954). See the Annotation in 98 L. Ed. 892. Consult: Morris D. Forkosh, *A Treatise on Labor Law* (Indianapolis, 1953); Edgar A. Jones, Jr., "The Right to Picket—Twilight Zone of the Constitution," *University of Pennsylvania Law Review*, Vol. 102, pp. 995-1029 (June, 1954); George Rose, "Is the NLRB Tampering with Freedom of Speech?" *University of Pittsburgh Law Review*, Vol. 15, pp. 462-92 (Spring, 1954).

⁶³ There were a great many publications during the period under review on civil liberties subjects. See C. Herman Pritchett, *Civil Liberties and the Vinson Court* (Chicago, 1954); Jacobus tenBroek, E. N. Barnhart, and F. W. Matson, *Prejudice, War and the Constitution* (Berkeley, 1954); Louis Ruchames, *Race, Jobs, and Politics: The Story of FEPC* (New York, 1953); Henry Steele Commager, *Freedom, Loyalty, Dissent* (New York, 1954); G. Bromley Oxnam, *I Protest* (New York, 1954); Arthur Powell Davies, *The Urge to Persecute* (Boston, 1953); Norman Thomas, *The Test of Freedom* (New York, 1954); Dan Gillmor, *Fear, the Accuser* (New York, 1954); Granville Hicks, *Where We Came Out* (New York, 1954); Bradford Smith, *A Dangerous Freedom* (New York, 1954); Alfred H. Kelly, *Where Constitutional Liberty Came From* (Carrie Chapman Catt Memorial Fund, New York, 1954); William O. Douglas, *An Almanac of Liberty* (New York, 1954); Milton R. Konvitz, *Bill of Rights Reader* (Ithaca, 1954); Harold Taylor, *On Education and Freedom* (New York, 1954); Peter Bachrach, *Problems in Freedom* (Harrisburg, 1954); American Jewish Congress and National Association for the Advancement of Colored People, *Civil Rights in the United States—1953* (New York, 1954); Symposium on "Community Security vs. Man's Right to Knowledge," *Columbia Law Review*, Vol. 54, pp. 667-829 (May, 1954); Bernard Schwartz, "Civil Liberties and the 'Cold War' in the United States," *Canadian Bar Review*, Vol. 31, pp. 392-427 (April, 1953); Franz L. Neumann, "The Concept of Political Freedom," *Columbia Law Review*, Vol. 53, pp. 901-35 (Nov., 1953); H. D. Hamilton, "Legislative and Judicial History of the Thirteenth Amendment," *National Bar Journal*, Vol. 10, pp. 7-85 (March, 1952); Lois G. Forer, "Some Aspects of Civil Liberties in Pennsylvania," *University of Pittsburgh Law Review*, Vol. 15, pp. 431-61 (Spring, 1954); Glenn Abernathy, "The Right of Association," *South Carolina Law Quarterly*, Vol. 6, pp. 32-77 (Sept., 1953); W. J. Brockelbank, "The Role of Due Process in American Constitutional Law," *Cornell Law Quarterly*, Vol. 39, pp. 561-91 (Summer, 1954); Paul G. Kauper, "Church, State, and Freedom: A Review," *Michigan Law Review*, Vol. 52, pp. 829-48

important police power question was considered in *Barsky v. Board of Regents of New York*.⁶⁴ Dr. Barsky, one-time chairman of the board of the Joint Anti-Fascist Refugee Committee, refused in 1946 to produce books and records for the House Committee on Un-American Activities, and for this he was convicted in 1947 in the District Court of the District of Columbia and sentenced to six months in jail and a \$500 fine.⁶⁵ Dr. Barsky had received a license to practice medicine in New York in 1919. In 1948 charges were filed with the Department of Education against him, under a section of the state education law which provides that the license of a doctor may be revoked, suspended, or annulled, or he may be reprimanded, in any case where he "has been convicted in a court of competent jurisdiction, either within or without this state, of a crime. . . ." In 1951 Dr. Barsky was given an extended hearing before three doctors constituting a subcommittee of the Department's Medical Committee on Grievances, which recommended suspension from practice for three months. The full Grievance Committee of ten doctors unanimously found Dr. Barsky guilty as charged, but by a 6-4 vote recommended a six months' suspension. Promptly, the Committee on Discipline of the Board of Regents, consisting of two lawyers and one doctor, held a further hearing, and as a reviewing committee recommended merely a censure and reprimand. The Board of Regents sustained the determination of the Medical Committee on Grievances and suspended Dr. Barsky's license for six months.

Six Justices of the Supreme Court, speaking through Justice Burton, could find no violation of the Constitution in this proceeding. It was ruled that whether Dr. Barsky committed a crime within the meaning of the state statute was wholly for the Court of Appeals of New York to decide conclusively. While the statute is very broad, and even harsh, because as interpreted by the New York courts it extends to convictions for any crime in any court, Justice Burton concluded that the statute was not unconstitutionally vague, since the professional standard is clear, and no discretion is left to the enforcing officers to define the offense. Above all, the Court emphasized that the state police power in the health field is great, and that the state has broad powers to establish and enforce standards of conduct. The practice of medicine is "a privilege granted by the State under its substantially plenary power to fix the terms of admis-

(April, 1954); Loren P. Beth, "The Wall of Separation and the Supreme Court," *Minnesota Law Review*, Vol. 38, pp. 215-27 (Feb., 1954); Clay P. Malick, "Terry v. Adams: Governmental Responsibility for the Protection of Civil Rights," *Western Political Quarterly*, Vol. 7, pp. 51-64 (March, 1954); Chester J. Antieau, "The Federalism of Freedom," *Kentucky Law Journal*, Vol. 42, pp. 404-22 (March, 1954). See also Special Subcommittee on Security Affairs, Senate Committee on Foreign Relations, *Federal Case Law Concerning the Security of the United States*, a legal survey by the Library of Congress (Committee Print, 83d Cong., 2d sess.); James Burnham, *The Web of Subversion* (New York, 1954).

⁶⁴ 347 U.S. 442 (1954). See the Annotation in 98 L.Ed. 851. See also Warner O. Chapman and Oliver P. Field, *Indiana Licensing Law* (Bureau of Government Research, Indiana University, 1953).

⁶⁵ The Court of Appeals of the District affirmed, and the Supreme Court denied certiorari, 334 U.S. 843 (1948).

sion," and the state's legitimate concern extends beyond initial licensing to include continuing supervision. Finally, the Court held that the standard in this case did not exceed reasonable supervision, ruling that it was immaterial that in this case the offense did not involve moral turpitude and was not criminal under the law of New York. It was noted that the termination of license was not automatic, and that the actual measure of discipline was left to the judgment of a qualified board of doctors. The statute is not unreasonable, since the elements of due process are present: hearing by a professionally qualified board, written charges, due notice, representation by counsel, production of witnesses and evidence, right of cross-examination, right to subpoena, and due review, including judicial review. It was concluded that this procedure was well within due process "in a field so permeated with public responsibility as that of health." The Court rejected the argument that due process had been denied because immaterial and prejudicial evidence was introduced, such as evidence regarding the alleged subversive activities of the Refugee Committee, and especially evidence that it has been placed on the Attorney General's list. This testimony, it was argued, was invited by the fact that Dr. Barsky himself introduced evidence regarding the Committee's activities in order to justify his failure to produce the subpoenaed papers. Furthermore, it was noted that the report of the original subcommittee indicates that it was not influenced by the character of the Refugee Committee. The Committee on Discipline had pointed out that in view of the *McGrath* case,⁶⁶ no evidentiary weight was given to the Attorney General's listing.

Each of the three dissenting Justices filed an opinion. Justice Black argued that Dr. Barsky's refusal to give the House Committee the records had been on the reasonable advice of counsel that the Committee's subpoena transcended its constitutional powers. Furthermore, the Refugee Committee had been advised that the only way it could raise its constitutional claim was for the executives to risk jail by refusing to obey the subpoena. In addition, Justice Black took the position that the charge against Dr. Barsky was unrelated to his abilities as a physician, and that on the contrary there was a great deal of testimony in the record that he was a skillful doctor and a good citizen. He argued, finally, that the state procedure violated the federal Constitution in two respects: first, the state used as probative evidence "an attainder published by the Attorney General of the United States in violation of the Constitution"; second, the Regents exercised arbitrary powers, a mixture of executive, judicial, and legislative powers, without being bound by legislatively-defined and judicially-reviewable standards. It would seem, he maintained, that in New York a doctor's right to practice his profession rests on no more than the mere ~~will~~ of the Regents. Justice Frankfurter emphasized that due process was denied because the revocation rested on arbitrary considerations which the New York Court of Appeals said it could not review. A rule of law which denies all relief for arbitrary action implicitly sanctions it. Justice Douglas stressed the im-

⁶⁶ *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123 (1951).

portance of a man's right to work, and argued that Dr. Barsky had been suspended because he had unpopular ideas and belonged to a group on the Attorney General's list. His "crime" was no more than a justifiable mistake concerning his constitutional rights. And he concluded: "So far as I know, nothing in a man's political beliefs disables him from setting broken bones or removing ruptured appendixes, safely and efficiently. A practicing surgeon is unlikely to uncover many state secrets in the course of his professional activities. When a doctor cannot save lives in America because he is opposed to Franco in Spain, it is time to call a halt and look critically at the neurosis that has possessed us."

Censorship of Motion Pictures. A New York board refused a license for the exhibition of a movie entitled *La Ronde* on the ground that it was "immoral" and "would tend to corrupt morals" within the meaning of a state statute. An Ohio board denied a license for a film called *M* on the statutory ground that it was "harmful." The highest courts of the two states sustained such censorship. The Supreme Court reversed unanimously in a *per curiam* opinion which merely cited the *Burstyn* case⁶⁷ as authority.⁶⁸ Justice Douglas, with whom Justice Black signified agreement, filed a short concurring opinion to argue that censorship of motion pictures was as bad as any other form of censorship, since "the First Amendment draws no distinction between the various methods of communicating ideas." Since the *Burstyn* case was concerned only with the censorship standard "sacriligious," it is regrettable that the Court did not elaborate upon the problems of permissible film censorship posed by the Ohio and New York statutes, and it is submitted that this will some day have to be done, since the Court obviously does not mean to imply that the state has no censorship powers at all over motion pictures, whatever their character.

Coerced Confessions. The constitutional law dealing with the use of coerced confessions by state courts, which is forbidden by due process, was expanded significantly in *Leyra v. Denno*,⁶⁹ decided by a 5-3 vote. Leyra was arrested and

⁶⁷ *Burstyn v. Wilson*, 343 U.S. 495 (1952).

⁶⁸ *Superior Films, Inc. v. Department of Education of Ohio*, 346 U.S. 587 (1954). The problems presented by this case were widely commented on: Edward Lasker, "Censorship of Motion Pictures Pursuant to Recent Supreme Court Decisions," *U.C.L.A. Law Review*, Vol. 1, pp. 582-92 (June, 1954); Charles E. Desmond, "Censoring the Movies," *Notre Dame Lawyer*, Vol. 29, pp. 27-36 (Fall, 1953); Albert W. Harris, Jr., "Movie Censorship and the Supreme Court: What Next?" *California Law Review*, Vol. 42, pp. 122-38 (Spring, 1954); Note, *University of Pennsylvania Law Review*, Vol. 102, pp. 671-74 (March 1954); Note, "Motion Picture Censorship: The Aftermath of *Burstyn v. Wilson*," *Northwestern University Law Review*, Vol. 49, pp. 390-99 (July-Aug., 1954). For other free speech problems see First Conference on Intellectual Freedom, *Freedom of Communication* (New York, 1954); Charles L. Black, Jr., "He Cannot Choose but Hear: the Plight of the Captive Auditor," *Columbia Law Review*, Vol. 53, pp. 960-72 (Nov., 1953); William B. Lockhart and Robert C. McClure, "Literature, the Law of Obscenity, and the Constitution," *Minnesota Law Review*, Vol. 38, pp. 295-395 (March, 1954).

⁶⁹ 347 U.S. 556 (1954). For discussions of this and related problems see M. G. Paulsen, "The Fourteenth Amendment and the Third Degree," *Stanford Law Review*, Vol. 6, pp. 411-37 (May, 1954); A. W. Scott, Jr., "Federal Control over Use of Coerced Confessions in State Criminal Cases—Some Unsettled Problems," *Indiana Law Journal*, Vol. 29, pp. 151-60 (Winter, 1954), "State Criminal Procedure, the Fourteenth Amendment, and

charged with the murder of his aged parents in Booklyn. After being questioned by the police for the greater part of four days, he complained of an acutely painful attack of sinus, and the police promised to get a doctor. What they actually did was to get a psychiatrist with a considerable knowledge of hypnosis. Instead of giving Leyra medical aid, the doctor, working in a room which was wired, "by subtle and suggestive questions simply continued the police effort" to get the accused to admit guilt. The doctor used his techniques to break the will of the accused, and in addition held out promises of leniency. The answers to the doctor's questions indicate a mind dazed and bewildered. Immediately after the questioning by the doctor, a police captain and later two state prosecutors secured confessions. A first conviction was set aside by the New York Court of Appeals on the ground that the confession made to the state-employed psychiatrist had been extorted by coercion and promises of leniency in violation of due process. At the second trial the invalidated confession was not used, but the other confessions which followed it the same day were admitted over objection, the judge submitting to the jury the question of their voluntariness. The jury convicted again and Leyra was sentenced to death. The New York Court of Appeals affirmed, holding that there was evidence to support a finding that the confessions used in the second trial were free from the coercive influences of the previous one.

The Supreme Court reversed, holding that the Fourteenth Amendment forbids the use in a state criminal trial of a confession secured by either physical or mental coercion, and that the accused did not have mental freedom when he made the later confessions. The majority ruled that the relation between the confessions was so close that the character of the first one controlled the others. "All were simply parts of one continuous process," all in the same place within a few hours. The three dissenting Justices maintained that since the question of whether the later confessions were coerced was submitted to the jury under clear and ample instructions, the very essence of due process had been observed. Justice Minton could recall no case where the Court has ruled that as a matter of law an invalid confession *ipso facto* invalidates all later confessions.

Self-Incrimination. Adams was summoned to testify before Senator Kefauver's Senate crime investigating committee, and confessed to running a gambling business in Maryland. This confession was later used to convict him of violating Maryland's anti-lottery laws, and he was fined \$2,000 and sentenced to seven years in jail. Section 3486 of Title 18 of the U. S. Code provides that no testimony given by a witness in congressional inquiries "shall be used

Prejudice," *Northwestern University Law Review*, Vol. 49, pp. 319-32 (July-Aug., 1954); Francis A. Allen, "Due Process and State Criminal Procedures: Another Look," *Northwestern University Law Review*, Vol. 48, pp. 16-35 (March-April, 1953); John A. Gorfinkel, "The Fourteenth Amendment and State Criminal Proceedings—'Ordered Liberty' or 'Just Deserts'," *California Law Review*, Vol. 41, pp. 672-91 (Winter, 1953-54); Dwight MacDonald, "The Lie-Detector Era," *The Reporter*, Vol. 10, pp. 10-18 (June 8, 1954), pp. 22-29 (June 22, 1954). See also Ernest W. Puttkammer, *Administration of Criminal Justice* (Chicago, 1953).

as evidence in any criminal proceeding against him in any court. . . ,” except in a prosecution for perjury. The Supreme Court of Maryland held that Adams had waived the statutory “privilege” by testifying “voluntarily,” and that Section 3486 applies only to federal courts. When the case was argued before the United States Supreme Court, Maryland also maintained that Congress is without constitutional power to bar the use of testimony before congressional committees in state courts. By unanimous vote the Supreme Court set the conviction aside.⁷⁰

Justice Black noted, for the Court, that Adams did not volunteer; he was summoned, and he could have been fined and sent to jail for not appearing. Furthermore, his testimony was wrung from him by persistent questioning. It is true that Adams did not claim his Fifth Amendment privilege and refuse to answer questions, but the Act does not require such a claim in order that a witness may feel secure that his testimony will not be used to convict him of crime. Furthermore it was held that the Act does not bar use of committee testimony in federal courts only. It speaks of “any court,” and “language could be no plainer.” Finally, Justice Black ruled that there is no doubt of the power of Congress to bar state courts from convicting a person for crime on the basis of evidence he had given to help the national legislative bodies carry on their governmental functions. Since Congress has the power to summon witnesses before either chamber or their committees, giving this statutory immunity is a necessary and proper means of inducing witnesses to testify. Federal law is

⁷⁰ *Adams v. Maryland*, 347 U.S. 179 (1954). For writings dealing with various issues raised in this case, and related questions, see Claude H. Brown, “Immunity for Witnesses in Congressional Hearings,” *UCLA Law Review*, Vol. 1, pp. 183-94 (Feb., 1954); Robert G. Dixon, Jr., “The Fifth Amendment and Federal Immunity Statutes,” *George Washington Law Review*, Vol. 22, pp. 447-80, 554-81 (March, April, 1954); L. A. Huard, “Fifth Amendment—An Evaluation,” *Georgetown Law Journal*, Vol. 42, pp. 345-77 (March, 1954); Erwin N. Griswold, “The Fifth Amendment,” *Massachusetts Law Quarterly*, Vol. 39, pp. 44-59 (April, 1954); L. B. Boudin, “Immunity Bill,” *Georgetown Law Journal*, Vol. 42, pp. 497-528 (May, 1954); Hugh Scott and Rufus King, “Rules for Congressional Committees: An Analysis of House Resolution 447,” *Virginia Law Review*, Vol. 40, pp. 249-72 (April, 1954); Symposium on “Legislative Investigations: Safeguards for Witnesses,” *Notre Dame Lawyer*, Vol. 29, pp. 157-285 (Winter, 1954); Will Maslow, “Fair Procedure in Congressional Investigations: A Proposed Code,” *Columbia Law Review*, Vol. 54, pp. 839-92 (June, 1954); Herbert Brownell, Jr., “Immunity from Prosecution versus Privilege against Self-Incrimination,” *Tulane Law Review*, Vol. 28, pp. 1-21 (Dec., 1953), and “The Public Security and Wire Tapping,” *Cornell Law Quarterly*, Vol. 39, pp. 195-212 (Winter, 1954); William P. Rogers, “The Case for Wire Tapping,” *Yale Law Journal*, Vol. 63, pp. 792-98 (April, 1954); Richard C. Donnelly, “Comments and Caveats on the Wire Tapping Controversy,” *Yale Law Journal*, Vol. 63, pp. 799-810 (April, 1954); Clark Byse, “Teachers and the Fifth Amendment,” *University of Pennsylvania Law Review*, Vol. 102, pp. 871-83 (May, 1954); Francis W. Coker, “Academic Freedom and the Congressional Investigations: Free Speech and the Silent Professor,” *Journal of Politics*, Vol. 16, pp. 491-508 (Aug., 1954); Note, “Mandatory Dismissal of Public Personnel and the Privilege against Self-Incrimination,” *University of Pennsylvania Law Review*, Vol. 101, pp. 1190-1204 (June, 1953); Emanuel Margolis, “The Plea of Privilege against Self-Incrimination by United Nations Employees,” *Virginia Law Review*, Vol. 40, pp. 283-309 (April, 1954).

the supreme law of the land, and state courts are bound thereby, even though the Act affects their rules of practice. Justice Jackson wrote a concurring opinion to emphasize that it does not matter whether Adams had been a voluntary or involuntary witness, or whether or not he raised the question of his immunity under the Fifth Amendment, since one does not lose the protection of the Act because he is cooperative or even an interested witness. Its purpose is to encourage cooperation by protecting it. He did not believe that this would interfere with Maryland, since she is free to work up her own case; she but cannot use the evidence worked up by Congress.

Irvine v. California,⁷¹ in which the Justices divided 5-4, presented more complex due process issues. Irvine was convicted in a California court for horse-race bookmaking. When arrested, he had on his person a federal wagering tax stamp bearing his name and address. Over objection, the stamp and other documentary evidence from the office of the United States Collector of Internal Revenue, received under the Gamblers' Occupational Tax Act of 1951, which the Court had upheld in the *Kahriger* case,⁷² were admitted at the trial. The majority ruled that the taxing act does not make records and stamps confidential or privileged. On the contrary, it expressly requires the name and address of each such taxpayer to be made public. The statute also states expressly that payment of the tax does not exempt any person from penalty or punishment under state law, and is not a federal license to conduct the wagering business. Justice Black, who had dissented in *Kahriger* on Fifth Amendment grounds, argued that it was just as objectionable to find a man guilty of a state crime on evidence extorted from him by the federal government in violation of the Fifth Amendment. But if the federal law is valid, he maintained that use of a forced confession to convict the confessor still amounts to compelling a person to testify against himself. He thought it "wholly conceptualistic" to treat the state and federal governments as entirely foreign to each other.

There was another due process issue in the case, arising from the methods used by the police in gathering evidence. While Irvine and his wife were absent from their home, the police made entry and installed a concealed microphone in the hall of the house, and wires were strung to a neighboring garage, where officers listened in. Later the microphone was moved to the bedroom, and still later to a closet. At the trial, officers were allowed to testify to conversations heard through their listening installations. Justice Jackson, who spoke for four members of the majority in this case, found no violation of the Federal Communications Act, since no telephone facilities were used, and there had been no interference with the communications system. While he denounced this obvious police trespass as "almost incredible," and as clearly a violation of the ~~Fourth~~ Amendment if it had been done by federal officers, he regarded as decisive the holding in *Wolf v. Colorado*⁷³ to the effect that in a prosecution in a state court

⁷¹ 347 U.S. 128 (1954). See Note, "The Federal Taxing Power and Regulation of Crime," *Indiana Law Journal*, Vol. 29, pp. 377-408 (Spring, 1954).

⁷² *United States v. Kahriger*, 345 U.S. 22 (1953).

⁷³ 338 U.S. 25 (1949).

for a state crime the Fourteenth Amendment does not forbid the admission of evidence obtained by an unreasonable search and seizure. He maintained that the invasion of privacy was just as offensive in *Wolf* as here, and that the rationale sustaining the decision in *Wolf* was still persuasive. He went so far as to argue that there is no justification for imposing upon the state courts, who carry the chief burden of administering justice, the hazard of federal reversal for noncompliance with Fourth Amendment standards as to which the Justices themselves have been inconstant and inconsistent. Indeed, he was not too sure that the federal exclusionary rule, first announced in 1914 in the *Weeks* case,⁷⁴ has done much good in curtailing unreasonable searches and seizures. He noted that there was no reliable evidence that those who live in states which exclude such evidence suffer less from lawless searches and seizures than those who live in states that admit such evidence. In fact, he pointed out that even the Supreme Court has not seen fit to exclude illegally seized evidence if secured by private detectives. Finally, Justice Jackson maintained that rejecting the evidence will do nothing to punish the wrong-doing official, while it may and probably will release the wrong-doing defendant.

Chief Justice Warren joined Justice Jackson in suggesting that the record of this case ought to be forwarded to the Attorney General for possible prosecution under Section 242 of the Criminal Code, which makes it an offense for anyone under color of law to deprive a citizen of his federal rights. Justice Black thought this was a highly improper thing for a judge to do. Justice Douglas also argued that a federal prosecution was futile, the only effective sanction being exclusion of evidence.

In a separate concurring opinion, Justice Clark, whose vote was crucial, declared that if he had been on the Court in 1949, when *Wolf* was decided, he would have favored applying the exclusionary doctrine of the *Weeks* case; but as long as *Wolf* remains the law, he thought it was entitled to respect.

The principal dissenting opinion was written by Justice Frankfurter, who argued that the Fourteenth Amendment does put limits to the wide discretion of a state in the process of enforcing its criminal law. It is now established, he noted, that a state is not free to resort to methods that offend civilized standards of decency and fairness. He insisted that what happened here violated due process. A state is not free to get a conviction by any form of skullduggery so long as it does not use physical violence. Furthermore, the Court has rejected the notion that a conviction which stands on incontestable proof of guilt may stand no matter how the proof was secured. "Observance of due process has to do not with questions of guilt or innocence but the mode by which guilt is ascertained." In short, Justice Frankfurter believes that the due process issue must be considered on a case-to-case approach, in the light of each set of facts. Justice Jackson preferred a general rule, which is to leave the whole matter to the states, in the absence of physical coercion.

Jurisdiction to Tax. The Supreme Court has consistently taken a more gen-

⁷⁴ *Weeks v. United States*, 232 U.S. 383 (1914).

erous view of the state's power to collect use taxes from out-of-state vendors, so far as due process is concerned, than it has in the case of sales taxes. But in *Miller Bros. Co. v. Maryland*⁷⁵ the Court finally attempted to draw a line in connection with a use tax which Maryland requires every vendor to collect from residents. Miller is a Delaware corporation, selling directly only to customers in its store in Wilmington. Residents of nearby Maryland come to the Miller store and make purchases, some of which they carry away, and some of which are delivered to them in Maryland either by common carrier or by Miller's own truck. Finding Miller's truck in Maryland, the state seized it, and the state's highest court held it liable for the use tax on all goods sold in the Delaware store to Maryland residents, however delivered. Maryland advanced the following grounds for holding the Delaware vendor liable: (1) Miller advertised with Delaware papers and radio stations which, though not specially directed to Maryland inhabitants, were known to reach the notice of Maryland inhabitants; (2) Miller occasionally mailed sales circulars to all former customers, including customers in Maryland; (3) Miller delivered some purchases by common carrier consigned to Maryland addresses; (4) Miller delivered other purchases by its own trucks to Maryland locations.

A bare majority of five Justices held that these factors do not establish the state's power to impose upon this out-of-state merchant the duty to collect and remit a purchaser's use tax. The liability against the Delaware vendor is predicated upon the use of the goods in another state by other persons. While it was conceded that the decisions in this new area of taxation are not altogether clear, it is established, said Justice Jackson, "that due process requires some definite link, some minimum connection, between a state and the person, property or transaction it seeks to tax." Thus something more substantial than mere presence in transit, such as domicile or residence, is an adequate basis for taxation, and a state may tax the keeping of tangible or intangible property in the state, or the use or sale of property therein, or the use of its highways, or incorporation or permission to do business. But the Court has ruled that Maryland could not have reached this Delaware vendor with a sales tax,⁷⁶ and *a fortiori* it cannot apply a use tax. For it would be strange, Justice Jackson observed, to make the out-of-state vendor more vulnerable to liability for another's tax than to a tax on itself.

Speaking for the four dissenters, Justice Douglas argued that a use tax is essential to protect the sales tax, that there was judicial precedent for what Maryland had done,⁷⁷ and that this was not a case of minimal contact between

⁷⁵ 347 U.S. 340 (1954).

⁷⁶ *McLeod v. Dilworth Co.*, 322 U.S. 327 (1944). Here the Court held that a state could not tax the sales of an out-of-state vendor where title passed before delivery to the carrier in the state of origin, and no collections were made in the taxing state.

⁷⁷ *General Trading Co. v. State Tax Commission*, 322 U.S. (1944). Here the Court ruled that an out-of-state vendor who used travelling salesmen to solicit orders locally could be required to collect use taxes. It is interesting to note that the two precedents upon which the majority and minority relied in the instant case had been decided on the same day.

the vendor and the collecting state. As long as the vendor chooses to do some business in Maryland, he thought that due process did not prevent Maryland from making it a collector for taxes on sales which the seller knew were destined for Maryland homes.

2. EQUAL PROTECTION OF THE LAWS

School Segregation. A large part of the struggle for equal rights for Negroes has taken place in the Supreme Court. Here victories have been won in recent years vindicating the right of Negroes to serve on juries without discrimination, to vote in primaries, to have equal access to employment, and to purchase property without the hindrance of restrictive covenants. Even in the field of higher education the Court struck down barriers to Negro participation on equal terms.⁷⁸ But the rule of *Plessy v. Ferguson*,⁷⁹ adopted in 1896, that "separate but equal" facilities satisfy the demands of the Equal Protection Clause persisted until May 17, 1954, when the Court finally rejected it in a group of five cases, four coming up from as many states and one from the District of Columbia. They will probably be known as the *Segregation Cases*.⁸⁰ Beyond any doubt this was the most important and most widely-publicized decision of the Term, and there can be no questioning the fact that it will rank as one of the great landmark cases of our legal history. For now indeed has Justice Harlan's celebrated declaration in his dissenting opinion in the *Plessy* case, that "our Constitution is color-blind," been adopted as law.

The state cases came up from Kansas, South Carolina, Virginia, and Delaware. The Kansas law permitted but did not require segregation in the public schools, and Topeka elected to segregate. Relief had been denied by a federal district court on the ground that the white and Negro schools were substantially

⁷⁸ *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938); *Sipuel v. Board of Regents*, 332 U.S. 631 (1948); *Sweatt v. Painter*, 339 U.S. 629 (1950); *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950). The vote in the Missouri case was 7-2; the Court was unanimous in the others.

⁷⁹ 163 U.S. 537.

⁸⁰ The state cases are grouped as *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). The District of Columbia case is *Bolling v. Sharpe*, 347 U.S. 497 (1954). The writings on the subject of these cases during the period under review were understandably voluminous. See Harry S. Ashmore, *The Negro and the Schools* (Chapel Hill, N.C., 1954); Paul G. Kauper, "Segregation in Public Education: The Decline of *Plessy v. Ferguson*," *Michigan Law Review*, Vol. 52, pp. 1137-58 (June, 1954); H. J. Graham, "Fourteenth Amendment and School Segregation," *Buffalo Law Review*, Vol. 3, pp. 1-24 (Winter, 1953); Edward F. Waite, "Race Segregation in the Public Schools: Jim Crow at the Judgment Seat," *Minnesota Law Review*, Vol. 38, pp. 612-21 (May, 1954); Symposium on "Segregation in the Public Schools," *Journal of Public Law*, Vol. 3, pp. 5-170 (Spring, 1954); Note, "Potentialities of Equal Protection as an Implement of Judicial Review," *Indiana Law Journal*, Vol. 29, pp. 189-206 (Winter, 1954); Public Affairs Pamphlet No. 209, *Segregation and the Schools* (June, 1954); Pamela Rice, "A Legislative Attack on Educational Discrimination," *Journal of Negro Education*, Vol. 23, pp. 99-106 (Winter, 1954). See also Robert B. McKay, "Segregation and Public Recreation," *Virginia Law Review*, Vol. 40, pp. 697-731 (Oct., 1954); Lee Nichols, *Breakthrough on the Color Front* (New York, 1954); Rayford W. Logan, *The Negro in American Life and Thought* (New York, 1954).

equal in such matters as buildings, transportation, curriculum, and educational qualifications of teachers. The laws of both South Carolina and Virginia required segregation. In the South Carolina case, the federal district court concluded that facilities were substantially equal, and while the court found that the facilities for the Negro schools in Virginia were inferior, instead of ordering the admission of Negro children to nonsegregated schools it ordered the state forthwith to provide substantially equal facilities with reasonable dispatch. The Delaware law also required segregation, but here the state courts ordered the admission of Negroes to nonsegregated schools on the ground that the facilities of the Negro schools were inferior. Thus, in all but the Delaware case relief had been refused on the basis of the "separate but equal" doctrine. In the District of Columbia case, the trial court had dismissed the complaint of Negro children seeking to compel their admission to a nonsegregated school on due process grounds. The Supreme Court granted a writ of certiorari before judgment was had in the Court of Appeals, as it does on rare occasions, "because of the importance of the constitutional question presented."

The decisions in the *Segregation Cases* are remarkable from several points of view. First of all, the Court moved very slowly. The cases were originally argued in 1952, and then reargued late in 1953, on the basis of a series of questions propounded by the Court largely concerned with the history of the adoption of the Fourteenth Amendment. It is of interest to note that a Democratic Attorney General participated in the first argument as *amicus*, and a Republican Attorney General the second time, both urging the Court to abandon the "separate but equal" rule. In the second place, the Court was in agreement, speaking with impressive unanimity through the new Chief Justice. There were no concurring opinions to distract attention. In fact, considering the magnitude of the issues, Chief Justice Warren's opinions were remarkably brief and uncluttered. They have the authentic earmarks of a great public statement. Finally, and perhaps most noteworthy, was the fact that the Court decided the merits of the controversy without issuing a decree. It postponed the fashioning of the decree, obviously for strategic reasons, and requested further argument on the question of the precise form it should take. The Chief Justice explained that these were essentially class actions involving a great variety of local conditions. Now the Court has a wide range of possible courses of action from which to choose. Professor John P. Roche has advanced the interesting suggestion that the Court should appoint a special master to supervise the implementation of the ultimate decree, and he has nominated Harry S. Truman for the job.⁸¹

In the opinion dealing with the state cases, Chief Justice Warren put aside

⁸¹ "Plessy v. Ferguson: Requiescat in Pace?" *University of Pennsylvania Law Review*, Vol. 103, pp. 44-58, at pp. 57-58 (Oct., 1954). See also Robert A. Leflar and Wylie H. Davis, "Segregation in the Public Schools—1953," *Harvard Law Review*, Vol. 67, pp. 377-435 (Jan., 1954); Note, "Equal Protection and Attempts to Avoid 'State Action'," *Indiana Law Journal*, Vol. 29, pp. 125-39 (Fall, 1953); Note, "Evasion of Supreme Court Mandates in Cases Remanded to State Courts since 1941," *Harvard Law Review*, Vol. 67, pp. 1251-59 (May, 1954).

the materials dealing with the history of the Fourteenth Amendment, saying that "at best, they are inconclusive." Not only did the people who had a hand in the adoption of the Amendment differ, but also the status of public education at that time was quite different. He noted too that the *Plessy* case dealt with transportation and not education, and that in none of the previous cases dealing with higher education was it necessary to reexamine the *Plessy* rule, since inequality was found in specific facilities. Furthermore, said the Chief Justice, "in approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation."

Coming, then, to the heart of the matter, Chief Justice Warren declared: "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." Even though the tangible factors may be equal, therefore, the segregation of children in public schools solely because of race deprives minority group children of equal educational opportunities. Drawing upon modern psychological and sociological insights, the Court declared: "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

Chief Justice Warren then quoted with approval the trial court's conclusions in the Kansas case that segregation is interpreted as denoting inferiority of the Negro group, and that this affects the motivation of the child to learn, thus retarding the educational and mental development of Negro children. The conclusion: "Separate educational facilities are inherently unequal." Thus at long last the *Plessy* doctrine was abandoned.

The District of Columbia case requires a bit of special explanation, since there is no equal protection clause applying to the national government. The due process clause of the Fifth Amendment does apply, however, and the Court ruled that while due process and equal protection are not always interchangeable phrases, both concepts stem from "our American ideal of fairness" and are not mutually exclusive. And it was held that discrimination may be so unjustifiable as to violate due process. "Classifications based solely upon race must be scrutinized with particular care, since they are contrary to our traditions and hence constitutionally suspect." The liberty which due process protects is more

than mere freedom from bodily restraint. It extends "to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a proper governmental objective. Segregation in public education is not reasonably related to any proper governmental objective. . . ." It would be unthinkable, said the Chief Justice in conclusion, that a Constitution which prohibits the states from maintaining racially segregated schools would impose a lesser duty upon the federal government.⁸²

Jury Service. It is well established that a state court violates the Equal Protection Clause if it permits systematic and arbitrary exclusion of Negroes from jury service. In *Hernandez v. Texas*⁸³ a unanimous Court ruled that where 14 per cent of the population of the county is of Mexican or Latin-American descent, it violates the Fourteenth Amendment to bar all such persons from the juries. It was shown in this case that no person with a Mexican or Latin-American name had served on a jury within the past 25 years, thus establishing a strong *prima facie* case which is not rebutted by a mere denial of discrimination. The Court rejected the argument that within the contemplation of the Fourteenth Amendment there are only two classes, white and Negro, although it is true that historically differences in race and color have defined the most easily identifiable groups requiring the aid of the courts to get equal treatment under the law. But, Chief Justice Warren observed, "community prejudices are not static," and whether a particular group is sufficiently well-defined to stand out as a group is a question of fact. He ruled that Hernandez had succeeded in proving, on the basis of community attitudes and local practices, that persons of Mexican descent constituted a separate class in the county distinct from "whites."

Classification of Crimes. Maryland has a law which permits the admission of illegally seized evidence in three named counties in connection with misdemeanors involving the carrying of concealed weapons unlawfully and in the case of prosecutions under the gambling laws. Since 1929 the general rule in Maryland, as established by the legislature, is that illegally seized evidence is not admissible in misdemeanor cases. The Court held that the state's classification is within "the liberal legislative license allowed a state in prescribing rules of practice."⁸⁴ In fact, since rules of evidence are procedural in nature,

⁸² Soon after the disposition of the Segregation Cases, the Court remanded, with *per curiam* opinions, three cases for further consideration in the light of its new position: *Muir v. Louisville Park Theatrical Association*, 347 U.S. 971 (1954) [Sixth Circuit Court of Appeals decision upholding racial segregation in the theatre of a public park]; *Florida ex rel. Hawkins v. Board of Control of Florida*, 347 U.S. 971 (1954) [Florida Supreme Court decision sustaining segregation at the University of Florida]; and *Tureaud v. Board of Supervisors of Louisiana State University*, 347 U.S. 971 (1954) [fifth Circuit Court of Appeals decision refusing to enjoin segregation at Louisiana State University]. In addition, the Court declined to review two decisions against segregation: *Holcombe v. Beal*, 347 U.S. 974 (1954) [Court of Appeals of the Fifth Circuit ruling against exclusion of Negroes from a municipal golf course]; and *Housing Authority of San Francisco v. Banks*, 347 U.S. 974 (1954) [state court decision against segregation in a local public housing project].

⁸³ 347 U.S. 475 (1954).

⁸⁴ *Salsburg v. Maryland*, 346 U.S. 545 (1954).

they are peculiarly within the discretion of the law-making power. The Court refused to say that the differentiation between various misdemeanors and counties is so unreasonable as to deny equal protection. "Territorial uniformity," said Justice Burton, "is not a constitutional requisite."⁸⁵ The Attorney General of Maryland cited several acceptable reasons for the state policy, such as the concentration of population and gambling activity, and the difficulty of making proof. Justice Douglas, dissenting alone, repeated his well-known objection to the use in any court of evidence obtained by the lawless action of police officers.

Tax Classification. Finally, the Court upheld by unanimous vote a St. Louis ordinance which levies an income tax on the gross salary and wages of the employed, but only on the net profits of the self-employed, corporations, and business enterprises.⁸⁶ It was noted that the classification of salary and wage income in one category and profits in another is not uncommon. It is used extensively in federal taxation, which also differentiates sharply between earned income and capital gains. Justice Jackson observed that the state's classification rests on the view that wage or salary income is relatively fixed and stable, whereas business profits are unstable and fluctuating. He could not say that this difference is "insignificant or fanciful." Finally, he observed that the state's power to classify according to occupation for purposes of taxation is extremely broad, and that the Court indulges every possible presumption in favor of the state's judgment.

3. STATE POWER AND THE COMMERCE CLAUSE

Regulation. A hardy perennial of American federalism⁸⁷ is the question of how far the states may go in regulating and taxing interstate commerce. In *Garner v. Teamsters, Chauffeurs & Helpers Union*,⁸⁸ the Court ruled unanimously that the national labor act covered a situation where union members not in his employ picketed an interstate trucker to induce his employees to join up, and that therefore a state could not give equitable relief under the state labor relations act. The Court rejected Garner's contention that the national board enforces only public rights, on behalf of the public interest, whereas state equity powers are invoked by private parties to protect private rights. Speaking for the Court, Justice Jackson ruled that this distinction is too unsettled and ambigu-

⁸⁵ The Court leaned heavily on *Missouri v. Lewis*, 101 U.S. 22 (1879), which upheld a statute classifying the City of St. Louis and four counties specially for purposes of judicial appeals.

⁸⁶ *Walters v. St. Louis*, 347 U.S. 231 (1954).

⁸⁷ See R. B. Bowie and C. J. Friedrich, *Studies in Federalism* (Boston, 1954); V. V. Thursby, *Interstate Cooperation: A Study of the Interstate Compact* (Washington, D. C., 1953); Symposium on "American Federalism: The General Perspective," *Columbia Law Review*, Vol. 54, pp. 489-578 (April, 1954), with articles by Henry M. Hart, Jr., Herbert Wechsler, and Paul A. Freund; Robert J. Harris, "States' Rights and Vested Interests," *Journal of Politics*, Vol. 15, pp. 457-71 (Nov., 1953).

⁸⁸ 346 U.S. 485 (1953). See George Rose, "Garner v. Teamsters: The Supreme Court and Private Rights," *Virginia Law Review*, Vol. 40, pp. 177-92 (Feb., 1954).

tral Committee in 1953–1954 was only revising its own earlier material.

What transpired within the Central Committee during the drafting stage remains a party secret. The text of its March draft has not been published. We are told that the March draft served as a basis for discussions “organized by the National Committee of the CPPCC and leading organs of the administrative areas, provinces and cities, the local branches of democratic parties and people’s organizations, and the leading organs of the armed forces,”¹¹ a process that was widely heralded in the contemporary press. The June 11, 1954, report of the Drafting Committee asserted that “over 8,000 people” took part in discussions at this stage, producing “more than 5,900 suggestions for revision . . . many of which were useful and contributed greatly to the drafting work” of the committee in its private meetings between March 23 and June 11. On the basis of this report, the Central People’s Government Council adopted a revision of the March draft on June 14, 1954, as the first public “Draft Constitution of the CPR” (*Chung-hua jen-min kung-ho-kuo hsien-fa ts’ao-an*).¹² Since the March and June drafts cannot be compared textually, we cannot determine the effect of the intervening discussions.

Between June 14 and September 9, 1954, when the definitive draft was adopted, “more than 150,000,000 persons” were officially reported to have taken part in the second round of discussions—now at the grassroots level.¹³ During that period, 1,180,420 “proposals” are said to have been transmitted to the Drafting Committee for consideration.¹⁴ Reviewing the two rounds of discussion in the light of CCP operating techniques in “united front” circles and in basic-level mass organizations,¹⁵ two tentative conclusions are suggested: (1) that the first round

¹⁰ Chou En-lai, “Draft Common Programme of the Chinese People’s PCC,” *China Digest* (Hong Kong), Vol. 7, no. 1, p. 10 (Oct. 5, 1949); also reported in the two Chinese documentary collections cited in note 3, *ante*, at pp. 50–54 and 253–60, respectively.

¹¹ Report of the Drafting Committee, June 11, 1954; NCNA, Peking, June 14, 1954, *DNR*, June, 1954, pp. 146–47.

¹² NCNA, Peking, June 14, 1954, *DNR*, June, 1954, p. 149. The full text of this draft is in *Hsueh-hsi*, No. 7 (1954), pp. 3–13 (July 2, 1954). English translations are in *DNR*, June, 1954, supp. to issue of June 16; *People’s China* No. 13 (1954), supp. (July 1, 1954); *CB*, No. 286 [287], June 17, 1954.

¹³ Liu Shao-ch’i, *Kuan-yü Chung-hua jen-min kung-ho-kuo hsien-fa ts’ao-an ti pao-kao* [Report on the Draft Constitution of the CPR], Sept. 15, 1954, in *Hsueh-hsi*, No. 10 (1954), pp. 16–29 (Oct. 2, 1954). English translations occur in *DNR*, Sept., 1954, pp. 171–87; *People’s China*, No. 19 (1954), pp. 5–33 (Oct. 1, 1954); and in *CB*, No. 294 (Sept. 20, 1954). This is the basic official commentary on the new Constitution, and will hereafter be cited as Liu, *Report*.

¹⁴ NCNA, Peking, Sept. 11, 1954, *DNR*, Sept., 1954, p. 112.

¹⁵ Explained by A. Doak Barnett, “Mass Political Organizations in Communist China,” *The Annals*, Vol. 277, pp. 76–88 (Sept., 1951); Chao Kuo-chün, “Mass Organizations in Mainland China,” this *Review*, Vol. 48, pp. 752–65 (Sept., 1954).

was primarily intended to indoctrinate in the authentic official line those who would be responsible for conducting the second round; and (2) that the second round fulfilled "mass-line" requirements for arousing wide popular interest in the "transition to Socialism," and for preparing the masses for what would come. It may plausibly be inferred that the 1,180,420 "proposals" expressed approval or endorsed the adoption of the draft constitution. Textual comparisons of the June and September drafts show that changes occurred in more than 30 articles, of which the great majority were minor changes of phraseology. Liu Shao-ch'i explained revisions in the text of 13 articles in his *Report* of September 15, 1954, to the NPC on behalf of the Drafting Committee (employing the opportunity to enlarge on several doctrinal questions).¹⁶ The final record, however, does not disclose which revisions were adopted by the Drafting Committee *in camera* and which as a result of other suggestions.

The election of deputies to the NPC took place in July–August, 1954—indirectly, and principally by provincial and municipal "people's congresses" on the basis of lists distributed from Peking. The grassroots discussion of the Draft Constitution was thus merged with discussions of other questions of national interest, and in the process the deputies-elect received more than their share of indoctrination. After an opening address by Mao Tse-tung, the first order of business on the agenda of the NPC at its first meeting on September 15 was the adoption of the definitive Draft Constitution.¹⁷ As a preliminary, however, Liu Shao-ch'i started the final round of discussions with an authoritative three-hour report. On the three succeeding days (September 16–18), 89 deputies took turns in acclaiming the Draft Constitution. No one was surprised when the 1197 deputies in attendance at the NPC meeting of September 20, 1954, cast their secret ballots unanimously in favor of the adoption of the new Constitution, which was immediately proclaimed.¹⁸ Those who knew China marveled that not a single practical joker misplaced his rubber stamp.

¹⁶ Liu, *Report*, Pt. III.

¹⁷ NCNA, Peking, Sept. 9, 1954, *DNR*, Sept., 1954, p. 87. For the text of the definitive September draft, which was adopted without change (see note 1).

¹⁸ The daily sessions of the NPC Sept. 15–28 were closely reported in *JMJP*, with English translations of reports and speeches in *DNR* issues of Sept.–Oct., 1954, and in successive issues of American Consulate General, Hong Kong, *Survey of the China Mainland Press*, daily, beginning with No. 889 (Sept. 16, 1954). A complete procès-verbal of the proceedings of the NPC is unlikely, if earlier practice is observed.

On September 20, the NPC adopted its own organic law (or *règlement*); and on September 21, it adopted four other organic laws dealing with the organization and operation, respectively, of the State Council, the People's Courts, the People's Procurator's Office, and the Local People's Congresses and Local People's Councils of all Levels. The various organic laws were drafted and submitted by the Constitution Drafting Committee, and were adopted unanimously and without debate.

II

In effect, the Constitution of the CPR is the contemporary form of the mandate by which the CCP has organized the public power of the Chinese state. Authoritative Chinese Communist doctrine rigorously distinguishes the scope and function of state administrative action from the scope and function of party action.¹⁹ The CCP monopolizes the supreme leadership (i.e., "direction") of the nation's social life, including its political and governmental activity, as the interests of the class for which it is the elitist vanguard require.²⁰ From this point of view, the administrative apparatus of the state is but one of several useful "captives" of the CCP, one of several creatures of its convenience.²¹ As Liu Shao-ch'i observed in the peroration of his *Report*: "The CCP is the core of the leadership of our country."²² The Preamble to the Constitution contains the only references to CCP leadership found in the entire document: first, to the CCP as the leader of "the Chinese people" in the "people's revolution"; and, second, to the CCP as leader of "a broad people's democratic united front, composed of all democratic classes, democratic parties and groups, and popular [i.e., "people's"] organizations."²³ While CCP leadership is thus "recognized" in the Constitution, it continues to be exercised through extra-constitutional forms. So long as the leadership of the CCP is the categorical imperative of life on the Chinese mainland, the Constitution of the CPR cannot be the "supreme law of the land"—however persuasive it may be for workers in state organs (Article 18) and for ordinary citizens (Article 100). Although Liu exhorted the party members to "make themselves an example by observing the Constitution and all other laws,"²⁴ the CCP (which has its own constitutional and administrative apparatus) does not consider the Constitution as restricting its own sphere of action. So far as the Chinese masses are concerned, very few of the exertions of power, regulation, and suasion felt by them can be traced to provisions of the state's constitution. As a first principle, then, the Constitution is

¹⁹ Tung Pi-wu, Address to the First Conference of North China *hsien* Magistrates, Peking, September 23, 1951, in *JMJP*, Jan. 30, 1952; translated in *CB*, No. 162 (Feb. 22, 1952).

²⁰ The elitist character of the CCP received special emphasis during the "remoulding and reform" movement of 1952-1953. The "eight standards" of a CCP member, originally formulated by Liu Shao-ch'i in an unpublished address on November 4, 1951, were spelled out by An Tzu-wen, Deputy Director of the Organization Department of the CCP Central Committee, in *JMJP*, July 1, 1953. Related materials will be found in Steiner, *Chinese Communism in Action*, pp. 66-87.

²¹ H. A. Steiner, "The Role of the CCP," *The Annals*, Vol. 277, pp. 57-59 (Sept., 1951).

²² Liu, *Report*, Pt. IV.

²³ Since the "state form" is multi-party and multi-social, the CCP does not have the monopolist character attributed to the CPSU by Article 126 of the Soviet Constitution of 1936.

²⁴ *Report*, Pt. IV.

"limited" in the sense that large areas of public and social life stand beyond its ken.

Secondly, the Constitution carries no connotation of enduring permanence, even though its proclamation was greeted with the shout, "*Wan Sui!*"—"Long Live the Constitution!" The Constitution stems from the past: it is "based on the Common Program of the CPPCC of 1949, and is an advance on it" (Preamble). For the present, "it reflects the basic needs of the State in the period of transition" to Socialism (Preamble). If, as Liu Shao-ch'i asserted, "China's advance along the road to Socialism is fixed and unalterable," and the purpose of the Constitution is "to set down in legal form the central tasks of our country in the transition period,"²⁵ the attainment of the Socialist objective would entail, in due course, the supersession of the present Constitution. In the orthodox doctrine, "the law of the people's state is a weapon,"²⁶ and not an end in itself. A constitution infected with such a doctrine could hardly survive the particular pre-Socialist phase for which it is designed.

The Constitution also reflects other Marxist-Leninist views of the state. Mao Tse-tung declared in 1949 that the CCP was working to create conditions that would accelerate the "abolition of classes, state authority and party."²⁷ The Constitution asserts that the state organs of the CPR will contribute to "the gradual abolition of systems of exploitation and the building of a Socialist society" (Article 4). Meanwhile, the CPR "safeguards the people's democratic system, suppresses all treasonable and counter-revolutionary activities and punishes all traitors and counter-revolutionaries"; it "deprives feudal landlords and bureaucratic capitalists of political rights . . . according to law"; and it writes the principle of forced labor into the Constitution (Article 19). The power of the state is still "an instrument of the ruling classes for suppressing the ruled class" in 1954 as it was in 1949—when Tung Pi-wu, now President of the Supreme People's Court, interpreted the Organic Law of the Central People's Government.²⁸ The Constitution does not elaborate upon the processes of the "withering state"; and the party's "theoreticians" continue their rationalizations only at the level of "current tasks." Within the context of Mao's declaration, "state authority and party" can hardly be abolished before "classes" are abolished. The Constitution is clearly an instrument of class struggle

²⁵ *Report*, Pt. I.

²⁶ As stated by *JMJP*, March 25, 1952. Also see H. A. Steiner, "Total Law in Red China," *New Leader*, Vol. 26, no. 7, pp. 6-8 (Feb. 12, 1951).

²⁷ *On People's Democratic Dictatorship* (cited note 3)

²⁸ Documentary collections cited in note 3, *ante*, pp. 46-49 and 241-45, respectively; also *China Digest*, Vol. 7, no. 1, p. 20 (Oct. 5, 1949).

ous to be introduced into constitutional law as the dividing line between federal and state power. But even if the distinction is accepted, federal policy must still prevail, and state policy may not even be applied to any area of labor combat designed by Congress to be free from regulation. In any event, the Court concluded that the federal statutes are designed to protect both public and private interests, and since they are the supreme law of the land, they cannot be changed in any fashion by state procedures.

In another unanimous decision the Court rejected the contention that a state's allocation of costs between a railroad and local governments for the construction of grade separation improvements was arbitrary unless imposed on the basis of benefits received.⁸⁹ In this case the railroad was required to pay half. The Court held that this is not an ordinary special assessment problem, but rather one involving the safety and convenience of the community. There was in the Court's opinion no showing that the state acted unreasonably, and refusal to allocate costs on the basis of benefits received is not proof of unreasonableness. Furthermore, allocation of grade separation costs against railroads in excess of benefits received was held not to be an undue burden on interstate commerce. "The construction and use of public streets," said Justice Minton, "is a matter peculiarly of local concern and great leeway is allowed local authorities where there is no conflicting federal regulation, even though interstate commerce be subject to material interference."

Taxation. There were three cases during the 1953 Term dealing with the impact of the Commerce Clause upon the state's taxing power.⁹⁰ *Braniff Airways v. Nebraska State Board*⁹¹ presented the ever-vexing question of the state's ability to tax the property of interstate carriers. Nebraska levied an apportioned *ad valorem* tax on the flight equipment of Braniff Airways, an interstate carrier incorporated in Oklahoma, with its home port in Minnesota. The flight equipment, part of a system of interstate air commerce operating over fixed routes in 14 states, is used in landing on and departing from airports in Nebraska. The Nebraska stops are short, only for discharging and loading passengers, mail, and freight, and sometimes for refueling. Braniff has no repair or storage facilities in Nebraska, but rents depot space there. The state's allocation formula is that of the uniform act, which follows the recommendations of the CAB and was approved by the Council of State Governments on the recommendation of the National Association of Tax Administrators. The Court upheld the tax.

First, Justice Reed ruled, federal legislation did not so preempt the field as to preclude this tax. It was noted that the federal statutes are based on the

⁸⁹ *Atchison, Topeka & Santa Fe R. Co. v. Public Utilities Commission of California*, 346 U.S. 346 (1953).

⁹⁰ See P. J. Hartman, "State Taxation of Interstate Commerce: An Appraisal and Suggested Approach," *Washington University Law Quarterly*, Vol. 1953, pp. 233-69 (June, 1953); Note, "State Taxation and Interstate Commerce," *Columbia Law Review*, Vol. 54, pp. 261-77 (Feb., 1954).

⁹¹ 347 U.S. 590 (1954).

commerce power of Congress, and not on any conception of national ownership of the navigable air space. Federal regulation of interstate carriers has never been construed to mean that states have no power to tax their property. Second, it was held that this tax was not an unconstitutional burden on interstate commerce. It is well established that interstate commerce may be required to carry a nondiscriminatory share of the state tax burden. Third, the Court ruled on the issue of situs that there was no violation of due process for lack of jurisdiction to tax, finding an analogy with the taxation of boats on inland waters. The only requirement of due process is that the tax be related to benefits conferred by the taxing state. Since Braniff made 18 stops a day in Nebraska, where it rents ground facilities and picks up and discharges about 10 per cent of its business, there was sufficient contact with the state to sustain the tax. Two Justices concurred separately, and two dissented. Justice Frankfurter argued the great danger of the states' adopting different formulas, and thought the problem ought to be worked out by Congress, not the courts. He did not believe that Nebraska's relation to the property was sufficient to support an *ad valorem* tax. He emphasized the Commerce Clause as a bar to this tax, maintaining that until Congress acts the vital thing for the Court to do in this new and subtle field is to protect interstate commerce from the inroads of state taxation.

A decision adverse to the taxing state was reached by a unanimous Court in *Michigan-Wisconsin Pipe Line Co. v. Calvert*,⁹² where a Texas tax on the occupation of "gathering gas" was held violative of the Commerce Clause. The appellant Company, holding a certificate of convenience and necessity under the Natural Gas Act of 1938 for transportation and sale of natural gas in interstate commerce, has a pipeline running from Texas to Michigan and Wisconsin, and also sells in Missouri and Iowa. It neither sells nor produces gas in Texas. It buys its gas from a Texas producer who collects the gas from the wells and pipes it to a plant where it is prepared. From this plant the gas flows to the appellant's property. At this point the gas flows directly into the Company's pipelines. It is this "taking" at this point that is made the taxing incidence by the Texas statute. About 1,000 feet later on the gas is fed into a compressor station where the pressure is raised for movement to distant markets. Thus the entire movement of the gas from the producing wells to consumers outside of Texas is one steady, continuous flow. In addition to the disputed tax, appellant pays an *ad valorem* tax on all its facilities and leases within the state, and the state also taxes producers on the value of all gas produced at the well.

The Court held that the occupation tax has a substantial effect in unduly burdening interstate commerce. While such commerce is not totally immune from local taxation, Justice Clark observed that the state may tax a local activity related to interstate commerce "if, and only if, the local activity is not such an integral part of the interstate process, the flow of commerce, that it cannot realistically be separated from it." Furthermore, if the local activity cannot be separated from the interstate process, there is the danger of multiple state burdens, for each state through which the gas flows could also tax, thus

⁹² 347 U.S. 157 (1954).

prejudicing or unduly burdening commerce. It was also stressed that the taxing incidence in this case, the "taking" of the gas from the producer, occurred after the gas had been produced, gathered, and processed. Thereafter the gas was not only committed to interstate commerce, but was actually moving in it. Thus, said Justice Clark, in effect the tax is on the exit of the gas from the state, and this is not a local activity separate from the movement in commerce.⁹³ The opinion, therefore, is an amalgam of "undue burden" and "multiple burdens" theories.

Finally, in *Railway Express Agency v. Virginia*⁹⁴ a bare majority of five held invalid a state tax on express companies measured by gross receipts from intrastate business as applied to a company engaged exclusively in interstate commerce. The Railway Express Agency, a Delaware corporation, is chartered for interstate and intrastate commerce throughout the United States except in Virginia, which by constitutional provision does not permit a foreign corporation to exercise any public service functions in the state.⁹⁵ Thus the Express Agency has no license to do an intrastate business in Virginia, as a result of which it carries on there only business which it is entitled to conduct under the Commerce Clause. A separate Virginia subsidiary handles its local express business. The statute calls the disputed tax a privilege tax, but the Corporation Commission and the state Supreme Court call it a property tax measured by gross income and laid on the intangible value of good will or going concern status.

Speaking for the Court, Justice Jackson observed that what the state chooses to call this tax does not preclude an inquiry by the Court where a federal constitutional question is involved. While a state may use intangible factors in working out a fair formula of real values, it was noted that here the tax, in practical effect, falls squarely upon gross receipts, and it was pointed out that the gross receipts tax amounted to about 50 per cent of the total value of the Express Agency's real and tangible personal property in the state. Virginia says this is really a tax on the intangible value of its tangible property, but the figures show that the going concern value of tangible property worth only \$129,279 is \$13,290,942, computed on the basis of the tax on intangible personal property. In other words, every dollar invested in the tangible property of the express business is deemed to be worth over \$100 for tax purposes. This is not a tax on physical property, said Justice Jackson, but a tax on gross receipts, and the Court has declined to regard mere gross receipts as a sound measure of going-concern value where values depend upon profits and not merely volume. If Virginia can tax all interstate movements beginning or ending in or passing

⁹³ The lower court relied mainly upon the well-known case of *Utah Power & Light Co. v. Pfof*, 286 U.S. 165 (1932), which sustained a state tax levied upon the production of electricity thereafter sold in interstate commerce. The instant case was distinguished on the ground that the Texas tax was not levied on production, but rather on the taking into interstate commerce after production, gathering, and processing.

⁹⁴ 347 U.S. 359 (1954).

⁹⁵ The constitutional authority of Virginia to do this was sustained in *Railway Express Agency v. Virginia*, 282 U.S. 440 (1931).

through the state, then a company doing a national business is vulnerable to a gross revenue tax in all states. In conclusion, the Court held that this tax was what the legislature called it, a privilege tax, and that a state has no constitutional authority to apply it to an exclusively interstate business.

The four dissenting Justices thought that the tax was nondiscriminatory, fairly apportioned, and not excessive, and that they were bound by the Virginia Supreme Court's label. They maintained that there is a taxable going concern value aside from physical assets. And they protested that the tax should not be held unconstitutional merely because the legislature did not foresee "what tax language would most likely meet this Court's approval."

4. INTERGOVERNMENTAL RELATIONS

Intergovernmental Taxation. Certain private contractors purchased two tractors for use in building a naval ammunition depot in Arkansas for the United States. The tractors were procured from Kern-Limerick, a local dealer. The question arose whether Kern-Limerick had to pay a two per cent sales tax which under Arkansas law is paid by the seller, who in turn is authorized to collect it from the purchaser. The contractors were operating under a cost-plus-a-fee contract with the Navy under the Armed Services Procurement Act of 1947. The contract provided that the contractor shall act as the purchasing agent of the government in procuring supplies and equipment, and that the government shall be directly liable to the vendors for the purchase price. Title to such equipment passes directly to the government from the vendor. In other words, the contractors were acting as "agents" of the government in purchasing the tractors. The state Supreme Court held Kern-Limerick liable for the sales tax on the theory that under its law the contractors and not the United States were the purchasers. It also ruled that the federal Act did not authorize the Navy Department to buy tractors which were to be used by independent contractors, and not by the Navy, and that the Navy could not delegate the power to buy the tractors. By a 6-3 vote the Supreme Court reversed.⁹⁶

In an opinion prepared by Justice Reed, it was ruled that the Navy has authority to buy equipment for construction of the ammunition depot under the Act, which confers broad powers. Furthermore, it was held that under the Act the Armed Services may use agents, other than official personnel, to handle the detail of purchase. Justice Reed could find nothing in the statute which bars a contract for purchase for the government of supplies or services by private persons. The Court also decided that under the contract it is clear that the government is the purchaser, and that no liability of the purchasing agent to the seller arises from the transaction. Indeed, the contract states that the purchase is made by the government. Finally, Justice Reed asserted that it is for the United States Supreme Court, and not the state court, to decide who is, as a matter of law, the purchaser, since a federal constitutional issue is involved. It follows that "since purchases by independent contractors of supplies for Government

⁹⁶ *Kern-Limerick, Inc. v. Scurlock*, 347 U.S. 110 (1954).

construction or other activities do not have federal immunity from taxation, the form of contracts, when governmental immunity is not waived by Congress, may determine the effect of state taxation on federal agencies, for decisions consistently prohibit taxes levied on the property or purchases of the Government itself."

Speaking in dissent, Justice Black took the position that the government purchasing agents could not delegate to their subordinates authority to delegate to private persons the power to buy goods for the government and pledge its credit to pay for them. He believed that the Court was making a tremendous break with long-established buying practices and safeguards without clear statutory authority. It may be that Congress has power to delegate government spending to private contractors, though he was not sure it has, but even so, he thought the purpose to delegate should be spelled out in explicit statutory language. Justice Douglas emphasized that as a matter of state law the contractor was the consumer or user to whom the vendor sold the goods. He insisted that Arkansas has not attempted to collect the tax from the United States, and agreed that it cannot do so. It seeks only to collect the tax from the purchaser. That is where the legal incidence of the tax falls, in his judgment. If the economic burden falls upon the government, it is because the government assumed it by contract, and not because Arkansas placed it there. Both dissenting Justices cited the precedent of *Alabama v. King & Boozer*⁹⁷ in support of their position. In this case a state sales tax was allowed to be exacted from an independent contractor acting for the government on a cost-plus-a-fee basis. The majority's reply was that in that case the contractor had not acted as the contractual agent of the government. Chief Justice Warren registered his agreement with both dissenting opinions.

Federal Supremacy. The state of New York has a policy of chartering and fostering the mutual savings bank, a nonprofit institution whose earnings go to the benefit of depositors rather than stockholders. Such banks have a long history as safe and stable depositories, and are an important part of New York's banking and economic structure. The state also charters savings and loan associations. In pursuit of its policy New York does not permit any other banks to use the word "savings." But the Federal Reserve Act authorizes national banks to receive savings deposits, and the National Bank Act authorizes national banks to receive deposits without qualification or limitation. The Supreme Court ruled that state legislation prohibiting national banks from using the words "saving" or "savings" in their advertising or business was unenforceable as being contrary to the policy of the national legislation.⁹⁸ And the federal statutes do not mean, said Justice Jackson, that the national banks can only passively accept deposits thrust upon them. In modern competition advertising is a usual and useful weapon, and he could not say that while national banks are authorized by the statutes to accept savings deposits, they cannot

⁹⁷ 314 U.S. 1 (1941).

⁹⁸ *Franklin National Bank v. New York*, 347 U.S. 373 (1954).

tell the public about it. It is immaterial that in New York the word "savings" has acquired a peculiar meaning, since Congress has given a particular label to this type of account. Justice Jackson could find no indication that Congress intended to make this phase of national banking subject to local restrictions. Thus, where there is a clear conflict between national and state laws, as a matter of federal supremacy the national policy must prevail, whatever may be the wisdom of the state's policy. Justice Reed dissented alone, arguing that the Court's decision permits the national banks to trade on the good name of the savings banks built up under New York's policy, and that no federal statute expressly authorizes the national banks to use the words "saving" or "savings" in their advertising.

One final federal supremacy case remains to be noted.⁹⁹ The New York Court of Appeals refused to allow the state Superintendent of Insurance to turn over to the Alien Property Custodian certain funds of an enemy alien, the New York agency of the Yokohama Specie Bank of Japan, against which a domestic creditor held a judgment entitled to preference under state law. By a 5-3 vote the Supreme Court reversed in a one-word *per curiam* opinion which merely cited one precedent.¹⁰⁰ The dissenters expressed the opinion that the Court owes the highly respected state courts and the legal profession more than the mere citation of a case which in their judgment was inapplicable.

⁹⁹ *Brownell v. Singer*, 347 U.S. 403 (1954).

¹⁰⁰ *Zittman v. McGrath*, 341 U.S. 471 (1951).

THE WEST GERMAN ELECTORAL LAW OF 1953

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I

In the spring of 1953, with the approach of the regular parliamentary elections, the West German *Bundestag* began its deliberations on a new electoral law. The original law of 1949 had been enacted for the sole purpose of electing the first Parliament under the new Bonn Constitution. It was therefore necessary for the expiring Parliament to re-enact the old law, to modify it, or to supersede it with an entirely new system.

It soon became apparent that there were wide differences of opinion among the various parties represented in the *Bundestag*. The Chancellor's party, the Christian Democrats (CDU), presented proposals to establish a single member district system, eliminating proportional representation.¹ The Social Democrats (SPD) presented a draft which largely re-enacted the 1949 law.² The official government proposal, which was something of a compromise, leaned very heavily in the direction of the so-called *Mehrheitswahl* but also had provisions permitting a combination of party lists and additional votes (*Hilfsstimmen*).³ It bore some similarity to the law which de Gasperi had pushed through the Italian Parliament shortly before this time, but without the same justification.⁴ The various proposals were discussed on first reading on March 5, 1953, and again on March 18. After the report by the Election Law Committee, amended proposals were again discussed on second and third reading on June 17 and 19 and passed on third reading June 25.⁵

After the rejection of the draft election law brought forth by the government, discussions focused principally on two proposals, one drafted by the CDU Deputy Scharnberg and the other prepared by the FPD (Free Democratic party) Deputy Onnen. The Scharnberg proposal patently favored the coalition and provided for run-off elections in the event that no candidate in the first election secured a majority. There was also a procedure by which votes for parties could be pooled. After lengthy debate the Onnen draft, which was strongly opposed by the Chancellor and his party, passed the *Bundestag* on June 26, 1953, by 202 votes to 175.⁶

In the course of the deliberations, several significant changes were made in the draft proposal, including principally the restrictive clause against splinter parties. The Social Democrats provided the strongest opposition to the original

¹ *Deutscher Bundestag, I Wahlperiode, 1949, Drucksache Nr. 3636.*

² *Ibid., Drucksache Nr. 4062.*

³ *Ibid., Drucksache Nr. 4090.*

⁴ See Joseph G. LaPalombara, "The Italian Elections and the Problem of Representation," this REVIEW, Vol. 47, pp. 676-703 (Sept., 1953).

⁵ *Verhandlungen des Deutschen Bundestages, I Wahlperiode, 1949, Band 15, S. 12179 ff. S. 12202 ff.; Band 16, S. 13450 ff.; Band 17, S. 13594 ff. and S. 13741 ff.* The report of the Election Law Committee is *Drucksache Nr. 4450.*

⁶ *Verhandlungen des Deutschen Bundestages, I Wahlperiode, 1949, Band 17, S. 13768.*

Stimmzettel

für die Bundestagswahl im Wahlkreis Nr. 77 Düsseldorf-Mettmann am 6. September 1953

Jeder Wähler hat 2 Stimmen!

Erststimme

für die Wahl des Wahlkreisabgeordneten

1	Dr. Schröder, Gerhard Rechtsanwalt Düsseldorf Grunerstr. 127	Christlich Demokratische Union CDU	<input type="radio"/>
2	Lünenstraß, Karl-Heinz Angestellter Mettmann Neanderstr. 41	Sozialdemokratische Partei Deutschlands SPD	<input type="radio"/>
3	Funcke, Liselotte Angestellte Hagen i. W., Stadtgartenallee 1	Freie Demokratische Partei FDP	<input type="radio"/>
4	Josting, Josef Ofenarbeiter Hilden, Rosenweg 7	Kommunistische Partei Deutschlands KPD	<input type="radio"/>
5	Roedenbeck, Hans Angestellter Wülfrath, Wilhelmstr. 76, Rathaus	Gesamtdeutscher Block BHE	<input type="radio"/>
6	Graf, Emil Fabrikant Kettwig, Bahnhofstr. 14	Nationale Sammlung DNS	<input type="radio"/>
7	Stinder, Rudi Bankangestellter Velbert zur Dalbeck 5	Gesamtdeutsche Volkspartei GVP	<input type="radio"/>

Zweitstimme

für die Wahl nach Landeslisten

1	Christlich Demokratische Union Dr. Adenauer, Frau Dr. Rehling, Kaiser Blank, Dr. Schröder	CDU	<input type="radio"/>
2	Sozialdemokratische Partei Deutschlands Ollenhauer, Mellies, Dr. Menzel, Kinat, Frau Albertz	SPD	<input type="radio"/>
3	Deutsche Zentrumspartei Brockmann, Heiz, Böhner Roesing, Dr. Reismann	Zentrum	<input type="radio"/>
4	Freie Demokratische Partei Blücher, Dr. Middelhaue, Dr. Menze, Weyer von Manteuffel	FDP	<input type="radio"/>
5	Kommunistische Partei Deutschlands Reimann, Rische, Renner, Frau Thiele, Ledwohn	KPD	<input type="radio"/>
6	Deutsche Partei Hellwege, Dr. von Merkatz, Dr. Schild, Dr. Osthold, Freitag	DP	<input type="radio"/>
7	Gesamtdeutscher Block/BHE Kraft, Petersen, Körner, Gemein, Kate	BHE	<input type="radio"/>
8	Gesamtdeutsche Volkspartei Heinemann, Elfes, Frau Wessel, Scheu, Kokaly	GVP	<input type="radio"/>

government proposal, and by their insistence on the retention of proportional representation succeeded in working out an agreement with a sufficient number of deputies from the FDP to constitute a majority. The German party, (DP) which was the third member of the government coalition, the Center party (ZP), the Bavarian party (BP), and a portion of the Christian Social Union (CSU), as well as the Communist party (KPD), opposed the bill for various reasons. The Social Democrats did not approve of the section aimed at the elimination of minor parties, but as a group voted for the legislation. On the whole the discussion proceeded on a reasonably high level, avoiding the partisan excesses and stormy scenes which had marked the analogous debate in the Italian Parliament. The *Bundesrat* approved the law on July 3, and on July 29 the *Bundestag* was dissolved in preparation for the general elections.

The new electoral law, which resembles rather closely the 1949 law, provides for a compromise between the system of proportional representation and election by plurality vote in single member districts.⁷ In order to avoid redrawing the election districts, the membership of the *Bundestag* was increased from 402 to 484, the members being distributed among the *Länder* in proportion to their respective populations. Half of the seats must be filled by direct election from the 242 constituencies into which West Germany is divided. The remaining 242 seats are allotted among the parties in the *Länder* on the basis of proportional representation under the d'Hondt system, the parliamentary representation of each *Land* being adjusted proportionately after the district seats have been determined. If seats have been gained by direct election, these are to be deducted from the total due to a party from the *Land* list under proportional representation. There is, however, one exception: if a party succeeds in electing more members in the individual constituencies of a *Land* than it is entitled to under proportional representation, it retains the seats elected directly. Lists of candidates submitted by the various parties are put up in each of one the *Länder*, and the 242 members returned by proportional representation are selected from these *Land* lists in the order in which their names appear. This provision for 50 per cent P.R. represents a change from 40 per cent P.R. in the law of 1949.

GLOSSARY OF POLITICAL PARTIES

1	CDU(CSU):	Christian Democratic Union (Christian Social Union, in Bavaria)
2	SPD:	Social Democratic Party of Germany
3	FDP(DVP):	Free Democratic Party (Democratic People's Party, in Baden-Wuerttemberg)
4	DP:	German Party
5	ZP:	Center Party
6	BP:	Bavarian Party
7	KPD:	Communist Party of Germany
8	GB(BHE):	All-German Block
9	DNS:	National Union
10	GVP:	All-German People's Party
11	DRP:	German Rightist Party
12	SSW:	South Schleswig Voters Association

⁷ It has been referred to as *Verhältnisswahl auf Mehrheitsbasis* by several German commentators. This characterization is not too accurate. The text of the new law can be found in *Bundesgesetzblatt (BGBl)*, Teil I, Nr. 32, S. 470-91 (July 10, 1953). The election regulations are in *BGBl*, Nr. 35, S. 514-49 (July 16, 1953). A good guide is Zwick and Schuck, *Wegweiser für die Durchführung der Wahl zum zweiten Bundestag* (Neustadt, 1953).

The change was largely a matter of convenience; it was not due to any conviction that 50 per cent P.R. would secure a more equitable result.⁸

Under the new law each elector has two votes, one the *Erststimme*, to be cast for a candidate in his own constituency, and one the *Zweitstimme*, to be given to a party list of candidates nominated in his *Land* or state. (See facsimile of the ballot.) If a candidate in a constituency secures a simple majority, he is elected. Electoral alliances to contest the district elections are permissible, but the linking of separate lists on the second ballot is not permitted. Candidates from the *Land* lists are elected in proportion to the votes secured by the parties in each state.

One of the new features of the law is the provision regarding minor parties. In the distribution of the seats by lists, only those parties are considered which received at least five per cent of the valid second votes given throughout the *Bund*, or parties which received one seat in a district by direct election. This restriction does not apply to lists that are put up by national minority parties.⁹ Furthermore, party nominations must come from parties which demonstrate that they operate under a democratically elected executive committee, have a written organization statute, and a program. A section of the law which required new parties to secure at least 500 signatures to their petitions was declared void by the Constitutional Court.¹⁰

In the districts, candidates must be nominated by a secret ballot of a party convention or committee elected thereby.¹¹ In large cities containing several constituencies, nomination can be made in one convention. A certified copy of the invitation to the convention, a statement of the number of members in attendance, and an oath that the candidates were chosen by secret ballot must be appended to the nomination papers. Similarly, *Land* lists may be presented only by parties which prove that they have a democratically elected executive committee, a written constitution, and a program. Parties which are already represented by factions or by at least five representatives in the present *Bundestag* or in *Länder* parliaments need not produce this evidence. If a party is not so represented, its list must be signed by one per thousand of the qualified voters, at least 500 signatures and no more than 2500 being required. This provision was approved by the Constitutional Court. Only the first five names on the *Land* list appear on the right-hand side of the ballot. By-elections are eliminated except in the case of independent candidates not connected with party lists. In all other cases vacancies are filled from the party *Land* lists used

⁸ The 1949 provision secured a proportional result with only 40 per cent. See the author's "The Electoral System of the Federal Republic of Germany—A Study in Representative Government," this REVIEW, Vol. 46, pp. 1056-68 (Dec., 1952).

⁹ The exception made for lists of national minorities applied only to the South Schleswig Voters League (SSW). This group did not win a seat because it failed to reach the quota in Schleswig-Holstein.

¹⁰ *Entscheidungen des Bundesverfassungsgerichts, Band 3, S. 19 ff.* Also in *Neue Juristische Wochenschrift* (1953), S. 1341.

¹¹ This requirement did not represent much of a change for the SPD, but in the other parties the delegate process had to be given an official status.

in the general election, the next person on the list (*Ersatzmann*) being chosen. The electoral constituencies were numbered for this election from 1 to 242, starting in the north at Husum and ending in the south in Bavaria at Memmingen.

It can thus be seen that the two principal new features of the 1953 electoral law are the stronger restrictions on minor parties, and the provision for two votes, one for the direct election of a candidate and the other for a party list. The basic compromise between the systems of direct election and proportional representation remains.¹²

II

The date of the election was set for September 6, and following the dissolution of the *Bundestag* on July 29 the various parties began their preparations in earnest for the approaching campaign. Under the new nominating provisions, however, it was not until the last two weeks of August that all district nominations and all nominations of *Land* lists were completed, the law requiring that candidates must be nominated at the latest seventeen days before the election. Nominations must be published at least eight days before the election, and the names are then arranged on the ballot in order, beginning with the candidate of the party which had the largest number of votes in the *Land* in the last *Bundestag* election. Other nominations appear in the order of their presentation to the election officer.

In this election greater attention was given to nominating procedures than had heretofore been the case. It was also possible for a candidate both to run in a district and to be on the *Land* list, thus assuring his election from the list if he were high enough on it—even if he were defeated in the district. Many candidates in all parties availed themselves of this opportunity. In case a candidate was elected in the district, he would accept this election and thus his name would not be considered in the proportional allocation of votes from the *Land* list. All in all, the tightening of the nominating procedures represents not only a restriction on minor parties but also an improvement in the public regulation and control of this vital part of the representative process. It shows a recognition of the need for public regulation of nominations as well as elections. Also, from the point of view of party organization, the new nominating procedures made for more orderly and responsible control of party nominations by the rank and file. Many serious contests occurred within the nominating conventions, and the funneling of candidates through party conventions, together with the restrictive provisions on new parties, practically eliminated the earlier German tendency toward multiplicity of candidates and parties. The experience of this election demonstrates that nominating provisions of this sort are at least as important as the electoral system itself in avoiding the excessive splintering

¹² West Berlin is represented in the *Bundestag* by 22 members who are elected by the Berlin assembly in proportion to the strength of the various parties in that body. The Berlin members have the right to speak in all *Bundestag* debates and to participate in all parliamentary committees, but their votes are not counted on divisions in plenary sessions.

of parties. The oft-repeated indictment of the principle of proportional representation needs to be modified in the light of this experience.

The new provisions restrictive of minor parties and independent candidatures proved to be very effective. Altogether, thirteen parties put up *Land* lists but not all parties were represented in all states. Furthermore, only the SPD and the KPD put up candidates in all of the 242 districts. The CDU nominated candidates in 221 districts, the FDP in 224, and the DP in 189. The Bavarian party and the *Schleswig-Holstein Landespartei* were exclusively regional. Only six parties were successful in securing representation in the new *Bundestag* and no independent candidates were elected, although several of them were able to secure respectable support in some of the election districts. There were sixteen independent candidates, mostly in Bavaria, and only one of them—a candidate in district 180—secured as much as 20 per cent of the vote.

Two interesting efforts were made to circumvent the five per cent clause by capturing a single district: one by the Center party in district 87 and one by the Communist party in district 74. In the case of the Center party, the effort was successful because the CDU candidate did not run and an electoral alliance was made between the two parties, eventuating in the election of the Center party candidate. In the Solingen district, where the Communists attempted to utilize voting certificates (*Wahlscheine*) to bring up their vote, the attempt was unsuccessful.¹³ A further interesting fact about the operation of the restrictive provision against minor parties is that only 26 per cent of the total vote was cast for all minor parties in 1953 as compared to 39.8 per cent in 1949.

The new electoral law has been tested in the Constitutional Court and, as we have noted, was declared void in only one respect, namely, the requirement of 500 signatures for putting up a candidate in a district.¹⁴ The Court held that this provision contravened the principle of equality. The requirement of 500 to 2500 signatures for party lists, on the other hand, was approved, as were also the various technical requirements relating to the conduct of the election. The German Reich party was not permitted to present candidates in three of the

¹³ The Communists concentrated their attention on the Solingen-Remscheid district, which had been a stronghold of the party in the years before the rise of Hitler to power. Max Reimann headed the Communist forces in the district. The party planned a big sports festival in Solingen on election day which would have enabled the visiting Communists from other areas to vote for Reimann in Solingen. The government, however, banned the sports festival and in any case it is dubious whether the Communists could possibly have assembled enough outside support to have won the election. The 1949 election figures suggest that the Communist party would have required about 6,000 voters additional to take the district. However, the increase in the number of eligible voters by about 15,000 would have increased the margin of required absent voters quite considerably, disregarding the increase in voting participation and the intangibles of shifting electoral alignments. It would seem, therefore, that the Communists would probably have needed about 20,000 rather than 6,000 additional votes. This would have required the bringing to Solingen of about one-third of the total Communist vote in Nordrhein-Westfalen. As it turned out, while the KPD generally fared better on the second than on the first ballot, in Solingen it secured more first votes than second votes.

¹⁴ See above, p. 110.

Länder—Hesse, Nordrhein-Westfalen, and Baden-Württemberg—since it was unable to furnish the necessary 2500 supporting signatures for its election lists and such signatures as were presented were not brought in on time. On September 1 the federal government decided to ask the Constitutional Court at Karlsruhe to ban this party on the grounds that its membership showed it to be the successor of the banned Neo-Nazi Socialist Reich party and that its ideological aims, its propaganda, and the nature of its meetings showed it to be an unconstitutional party. These legal steps against small parties, together with the decision of the Constitutional Court, helped to avoid the *Zersplitterung* which heretofore has been a handicap in the election of German representative assemblies. Thus the German party constellation was reduced in size and manageability, and the German representative picture was kept in reasonable focus. This accomplishment was in striking contrast to the situation in France and Italy, whose electoral laws include no comparable restrictive provisions.

The retention of the election districts used in 1949 deserves some comment. Time did not permit the *Bundestag* to make a careful study of the question of boundaries of the election districts (*Wahlkreise*). Obviously there had been considerable population movement during the interim period, but the task of delineating new election districts would have required many months of work, perhaps even a year, and hence as a practical matter the old districts were retained. One finds, consequently, rather significant variations in the number of qualified voters in the different districts. Table I shows a range from 79,300 to 247,700.¹⁵ It happens that both the smallest and the largest *Wahlkreise* are in Nordrhein-Westfalen. The average-sized *Wahlkreis* has 137,342 qualified voters. As will be pointed out later, there was some variation as between dif-

TABLE I. DIFFERENCES IN ELECTORAL SIZE OF WAHLKREISE BY LÄNDER

Land	No. of Wahlkreise	Range in Size (Qualified Voters)			
		Average	Minimum	Maximum	Range Difference
Schlesweig-Holstein	14	112,749	93,687	158,000	64,400
Hamburg	8	157,511	140,600	175,033	34,400
Niedersachsen	34	129,879	101,700	213,900	112,200
Bremen	3	141,832	140,306	142,761	2,455
Nordrhein-Westfalen	66	146,635	79,300	247,700	168,400
Hessen	22	140,327	104,515	178,100	73,500
Rheinland-Pfalz	15	142,186	118,100	167,000	48,900
Baden-Württemberg	33	137,454	85,600	202,900	117,300
Bayern	47	130,275	93,700	196,700	103,000
Bund	242	137,342	79,300	247,700	168,400

¹⁵ See also Table 2 in *Die Wahl zum 2. Deutschen Bundestag, Statistik der Bundesrepublik Deutschland, Band 100, S. 14.*

ferent-sized districts in the matter of plurality or majority wins, with the result that some slight disadvantage fell to the SPD as against the CDU in the larger-than-average districts.

In considering the problem of variations in the electoral size of districts, it must be kept in mind that with the rectification of the votes through the operation of proportional representation, inequalities are largely, if not entirely, overcome. As long, therefore, as the principle of proportional representation is retained, there is not much urgency or necessity for a redrawing of the electoral districts. If, however, Germany should decide to turn exclusively to the system of election by single member districts, existing inequities should be eliminated.

III

Having dealt with several of the important new features of the 1953 electoral law, we turn now to a problem which is basic to an understanding of its real significance, namely, the actual operation of the compromise between the single member district system with plurality election and the proportional representation provisions working through the *Land* lists. What does the experience of the 1953 election show? Is the compromise sound? Does it result in the choice of a genuinely representative parliament? What light is thrown on the two components of the combined system? Was the law of 1953 an improvement over the law of 1949?

An intensive analysis of the very adequate election figures now prepared by the West German Statistical Office and by similar offices in the various *Länder* reveals many interesting details of the election system. These data, when supplemented by observation and proper evaluation, justify a number of significant conclusions about the German electoral system. First of all, the provision for two votes instead of one permitted the voters to cross over from one party to another if they cared to do so. A voter could gratify his desire to vote for a local candidate of his own party and at the same time on his second vote approve a program of another party. It was anticipated that such instances might be very numerous. Actually only 31,512 more valid votes were cast throughout the *Bund* as the *Zweitstimmen* than for the *Erststimmen*. It also seems clear that considering the *Bund* as a whole, very few voters either took advantage of this new feature of the voting system or were confused by it. Additional support for this conclusion is furnished in the data on invalid ballots. The percentage of such ballots was almost identical for the two votes; 3.4 for the first, and 3.3 for the second. This is a relatively small percentage of invalid ballots and compares with 3.1 per cent in the preceding election where only one vote was cast.¹⁶

Perhaps the most significant question to be asked in studying the operation of the two-vote system is whether there was any appreciable change in voter

¹⁶ The two-vote system had been used in the state of Bavaria and thus a considerable number of German voters were already acquainted with it when it was put into the federal law.

preference from the first to the second ballot.¹⁷ That is, did the voter express preference for a candidate of one party on the first ballot and then express a preference for the list of another party on the second ballot? A complete and precise answer cannot be given to this question, but changes did occur, and the direction of these changes may be indicated. The results shown in Table II would suggest that the CDU party gained 1.4 per cent in total votes on the second ballot, while the SPD party lost 0.7 per cent of its votes. The FDP lost 1.3 per cent on the second ballot. The GB-BHE and the KPD kept the same percentage of votes on both ballots, while the DP lost 0.3 per cent of its votes on the second ballot.

When we look more closely at the CDU vote, however, we find that this relative gain over its rivals is somewhat deceptive. First of all, the effect of electoral agreements (*Wahlabkommen*) must be considered. The CDU party withheld candidates in 21 election constituencies and therefore any votes received on the CDU list in those districts are, as the expression is, "up from nothing." When these second ballot gains are totaled for the whole *Land*, an exaggerated picture of the gain is produced. The gain in this case, in other words, comes not from the behavior of the voter, but from the manipulations of the parties in withholding candidates and forming coalitions. Thus in Hamburg where the CDU got only 20.6 per cent of the first ballot votes and 36.7 per cent of the second ballot votes, the wide range is explained by the fact that the CDU party withheld candidates in five of the eight districts of Hamburg on the first ballot in order to favor its coalition partners. Furthermore, where the CDU did have candidates on the first ballot in Hamburg, they all lost a considerable percentage of their votes on the second ballot.

The CDU party gained on the whole 416,025 votes on the second ballot, but in 21 districts it withheld candidates on the first ballot and got no votes. Hence the total votes received on the second ballot in these districts, where party coalitions existed, give the CDU a "gain" of 738,238 votes. If we leave aside this dubious gain and subtract it from the 416,025 votes which the party gained on the second ballot throughout the entire *Bund*, we find that it actually lost 322,213 votes on this ballot.

Although there was relatively little change between the first and second votes as a whole, a review of the constituency-by-constituency record of the principal parties for the two ballots shows that the greatest changes occurred in the CDU vote.¹⁸ Such small changes as there were had little significance on

¹⁷ Many candidates ran in the districts and also were placed on their party's *Land* list. If they were not successful in the district, their party vote in the *Land* would elect them if they were high enough on the list. Chancellor Adenauer was the *Spitzenkandidat* in all the *Länder* except Bavaria, endeavoring thereby to attract votes to his party and to present a unified front. He also ran as a district candidate in Bonn and accepted election from this district.

¹⁸ A change of two per cent was a large one. The CDU had a change of two per cent or more in 100 districts, whereas the FDP vote changed this much in only 37 districts and the SPD in only 22 districts.

TABLE II. PERCENTAGES OF VOTES CAPTURED ON FIRST AND SECOND BALLOTS*

<i>Land</i>	CDU-CSU	SPD	FDP-DVP	GB-BHE	DP	KPD	DRP	GVP*								
BUND	43.7	45.1	29.5	28.8	10.8	9.5	5.9	5.9	3.3	3.3	2.2	2.2	0.7	1.1	1.0	1.1
Schleswig-Holstein	49.2	47.2	26.7	26.5	3.8	4.5	10.8	11.6	3.3	4.0	1.2	1.2	0.4	0.9	0.4	0.4
Hamburg	20.6	36.7	39.8	38.0	17.8	10.3	3.0	2.5	11.5	5.9	3.9	3.8	2.1	1.6	1.3	1.2
Niedersachsen	28.0	35.2	31.0	30.0	8.2	6.9	11.5	10.8	16.5	11.9	1.1	1.1	3.0	3.5	0.6	0.6
Bremen	23.8	24.9	39.4	38.9	7.8	7.5	3.1	3.2	17.8	17.0	3.9	3.9	2.8	3.0	1.4	1.6
Nordrhein-Westfalen	50.5	48.9	32.6	31.9	8.5	8.5	2.5	2.7	0.9	1.0	2.8	2.9	0.1	—	1.3	1.4
Hessen	29.5	33.2	34.5	33.7	23.7	19.7	6.0	6.4	2.1	2.8	2.5	2.5	0.2	—	1.5	1.7
Rheinland-Pfalz	52.5	52.1	28.0	27.2	12.9	12.1	1.5	1.5	1.3	1.1	2.4	2.3	—	2.5	—	1.2
Baden-Württemberg	51.1	52.4	23.4	23.0	13.9	12.7	5.4	5.4	1.2	1.6	2.3	2.2	0.1	—	0.1	1.6
Bayern	48.3	49.7	23.9	23.3	7.3	6.2	8.2	8.2	0.7	0.9	1.6	1.6	0.8	1.6	0.8	0.6

* Figures in the first column under the party headings represent first ballot results; figures in the second column represent second ballot results.

the election as a whole, however much they may have affected individual contests, and a safe generalization to make is that most of the Germans voted what Americans would call a "straight ticket." The two-vote system did permit a balancing of party strength as well as a more complete expression of the voter's opinion, and in individual constituencies, especially among the coalition parties, transfers occurred. As one can see from the accompanying table of seats in the *Bundestag* (Table III), the sources of the two opposition parties' votes

TABLE III. SEATS IN THE BUNDESTAG

Party	<i>Erststimme</i>	<i>Zweitstimme</i>	Total
CDU	172 (70.7%)	71 (29.3%)	243
SPD	45 (30.0)	106 (70.0)	151
FDP	14 (29.2)	34 (70.8)	48
DP	10 (66.6)	5 (33.3)	15
BHE	0 (00.0)	27 (100)	27
ZP	1 (25.0)	3 (75.0)	4

were directly reversed, the CDU gaining 71 per cent of its seats on the first ballot and 29 per cent on the second, and the SPD 29 per cent on the first and 71 on the second.

Checking the two-vote system against the voting participation, it may be seen from Table IV that voting participation on the first and second ballots varied only slightly, the average for the *Bund* being 0.1 per cent higher for the second ballot. The 0.6 per cent decrease in the vote in Hamburg was the largest variation.

In analyzing the effect of the electoral system, reference has been made to the significance of electoral agreements among the parties. Throughout the *Bund* there were some 34 electoral alliances, mostly among the parties in the coalition; they were formed chiefly in the industrial and more Protestant north. Only three were organized in the south and one in Hesse. In Schleswig-Holstein two seats were taken from the SPD by the CDU in three successful alliances.

TABLE IV. VOTER PARTICIPATION BY LÄNDER

<i>Land</i>	<i>Erststimme</i>	<i>Zweitstimme</i>
BUND	86.0%	86.1%
Schleswig-Holstein	88.5	88.7
Hamburg	87.4	86.8
Niedersachsen	88.7	89.0
Bremen	87.4	87.9
Nordrhein-Westfalen	86.0	86.1
Hessen	86.7	86.7
Rheinland-Pfalz	86.0	86.1
Baden-Württemberg	81.8	82.1
Bayern	85.8	86.1

The most notably successful arrangement for the CDU was in Hamburg, where SPD district representation was cut from five to one through seven successful alliances. The most extensive use of the system was in Niedersachsen, where 12 alliances were formed, 11 of them being successful for the coalition parties. No alliances were formed in Rheinland-Pfalz or in Baden-Württemberg.

Of the 34 alliances throughout the Republic, 28 were successful. (See Table V.) Judging from past voting behavior, and from the low percentages of total vote recorded for the winning party, it would appear that the resort to electoral alliances was the deciding factor in the victory. All in all, these alliances ac-

TABLE V. ELECTORAL ALLIANCES IN 1953 ELECTION

<i>Land</i>	Dist. No.	Winning Party	Parties Joining in Alliance	Per- centage of Total Vote	Incumbent in 1949
Schleswig-Holstein	2	CDU	FDP-DP	60	Independent CDU
	8	CDU	FDP-DP	47	SPD
	13	CDU	DP	45	SPD
Hamburg	15	CDU	FDP-DP	53	SPD
	16	CDU	FDP-DP	56	CDU
	17	DP	CDU-FDP	48	SPD
	18	FDP	CDU-DP	55	CDU
	19	DP	CDU-FDP	48	SPD
	20	CDU	FDP-DP	49	SPD
	21	SPD	FDP-CDU-DP*		SPD
	22	FDP	CDU-DP	52	FDP
Niedersachsen	23	SPD	FDP-CDU-DP*		SPD
	24	CDU	FDP-DP	56	SPD
	29	CDU	FDP-DP	54	SPD
	30	FDP	CDU-DP	57	FDP
	32	DP	FDP-CDU	52	SPD
	33	DP	CDU-FDP	55	SPD
	34	DP	CDU-FDP	47	DP
	36	DP	CDU-FDP	51	SPD
	37	DP	CDU-FDP	49	DP
	46	DP	CDU-FDP	42	SPD
	48	CDU	DP	46	CDU
	56	FDP	CDU-DP	54	SPD
Nordrhein-Westfalen	75	FDP	CDU	50	FDP
	76	CDU	FDP	54	CDU
	87	CP	CDU	47	CDU
	108	SPD	CDU-DP*		SPD
	109	SPD	FDP-CDU*		SPD
Hessen	111	SPD	CDU-DP*		SPD
	126	FDP	CDU	53	FDP
	220	SPD	BP-CSU-FDP*		SPD
Bayern	221	FDP	CSU-DP	53	SPD
	223	FDP	CSU	45	SPD
	224	CSU	FDP	52	SPD

* Electoral alliance unsuccessful.

counted for 14 per cent of the district seats won by the government parties. SPD incumbents were displaced in 16 districts. It seems fair to conclude that the party alliances were not a decisive factor in the overall election results, although if the three coalition parties had extended their system of electoral alliances, they might have taken an additional 33 districts. Such additional successes, of course, would have depended upon local politics in each case, and the voters might not always have reacted favorably to an alliance between certain parties in certain constituencies. The fact remains that the alliance system might be used to a decisive advantage in a close race for the control of the *Bundestag*. Even in the landslide election of 1953, electoral alliances swelled the majorities which were rolled up for the government, although the additional seats were not actually needed for control of the *Bundestag*.

The d'Hondt quota, which is used with the proportional representation part of the German election system, is quite familiar to the Germans, and appears

TABLE VI. ALLOCATION OF SEATS UNDER TWO-VOTE SYSTEM
AND D'HOND'T QUOTA*

Dividend and Order of Seats for												
Divisor	CDU		SPD		BHE		DP		FDP		SSW	
	Dividend	Order of Seats	Dividend	Order of Seats	Dividend	Order of Seats	Dividend	Order of Seats	Dividend	Order of Seats	Dividend	Order of Seats
1	636,570	1	357,798	2	157,100	7	54,170	21	61,486	18	44,585	—
2	318,285	3	178,899	5	78,550	14	27,085	—	30,743	—		
3	212,190	4	119,266	9	52,367	23						
4	159,143	6	89,450	12	39,275	—						
5	127,314	8	71,560	15								
6	106,095	10	59,633	19								
7	90,939	11	51,114	24								
8	79,571	13	44,725	—								
9	70,730	16										
10	63,657	17										
11	57,870	20										
12	53,048	22										
13	48,967	—										
Allocation According to d'Hondt Quota												
	12		7		3		1		1			24
Number of Representatives in the Districts												
	14		—		—		—		—			14
Number of Representatives on the Land Lists												
	—		7		3		1		1			12
Total Seats												
	14†		7		3		1		1			26†

* Adapted from *Die Wahl zum 2. Deutschen Bundestag*, p. 6.

† The number of deputies elected from the districts exceeded the number allocated to the CDU under the d'Hondt quota by two, but under section 9, paragraph 3, of the Electoral Law, these two excess seats (*Überhangmandate*) remained with the party which won them in the districts.

to have operated quite faultlessly. Three extra seats were added to the total number of deputies elected under a special provision of the law, but in the strictly proportional part of the division of seats, mathematical exactness was achieved. Table VI illustrates the application of the quota and the allocation of seats under the law in Schleswig-Holstein.¹⁹

The new electoral law, which increased the proportion of seats to be filled by P.R. from 40 to 50 per cent at the same time that the total number of seats was increased from 400 to 484, achieved accuracy in representation, as did the 1949 law.²⁰ Table VII, employing the 1953 election data, compares the present com-

TABLE VII. COMPARISON BETWEEN RESULTS OBTAINED UNDER PRESENT GERMAN ELECTORAL AND STRAIGHT P.R. AND UNDER PLURALITY SYSTEMS

Party	P.R.*	Plurality	<i>Bundestag</i>
CDU, CSU	43.7%	71.1%	50.1%
SPD	29.5	18.6	31.0
FDP, DVP, GVP	11.8	5.8	9.9
DP	3.9	4.1	3.1
GP, BHE	5.9	—	5.5
ZP	1.8	0.4	0.4
KDP	2.2	—	—
DRP	0.7	—	—
DNS	0.3	—	—
Independent	0.1	—	—
	100.0	100.0	100.0

* Based on percentage of votes received on first ballot.

bined P.R. and district system with pure proportional representation and with a simple plurality system. One can immediately see that under a straight plurality system the CDU would have secured 71 per cent of the seats in the *Bundestag*, compared with the 50 per cent which it actually received under the existing system. Contrariwise, the SPD, the other major party, would have dropped from 31 per cent to 18.6 per cent, a result which would have reduced it to the position of a very minor opposition party. Under a system of straight proportional representation, all minor parties would have gained in representation, while the two larger parties would have lost only slightly. This may be seen

¹⁹ After the proportional computations have been made for the parties to determine the number of seats to which a party is entitled, the number of deputies elected in the districts for each of the parties in a given land is deducted from this proportional number. The remaining seats allotted to a party then come from the *Land* lists. If, however, a party elects more candidates in the districts than it is entitled to under the proportional allocation, it retains these extra district seats (*Überhangmandate*). In this election there were two such cases in Schleswig-Holstein, where the CDU retained two additional seats, and one in Hamburg, where the DP secured one extra seat. Thus, the total number of deputies in the *Bundestag* was increased from 484 to 487.

²⁰ See my evaluation of the 1949 law in "The Electoral System of the Federal Republic of Germany" (cited in note 8).

also in Table VIII, in which the election data are arranged in another fashion.

Obviously the simple plurality system would have been best for the CDU and worst for the SPD. Under the combined plan both major parties have profited, while under straight P.R. at least four minor parties eliminated under the combined plan with its restrictive provisions would have received at least 16 seats, and other minor parties would also have gained. It is clear, therefore, that the major parties have been well served by the present system, but their advantage has not been marked enough to destroy reasonable proportionality.

The minor parties in 1953 received about 30 per cent of the votes but only 18.9 per cent of the seats. (See Table IX.) In 1949 the minor parties received

TABLE VIII. COMPARISON OF ELECTION RESULTS UNDER THE PRESENT GERMAN ELECTION SYSTEM WITH THOSE OBTAINING UNDER STRAIGHT PROPORTIONAL REPRESENTATION

Party	Seats Received			Votes Per Seat		Computed per Straight P.R.*
	Total	Direct	P.R.	Direct	P.R.	
CDU, CSU	244	172	72	69,930	172,789	212
SPD	151	45	106	180,695	74,903	143
FDP, GVP, DVP	48	14	34	232,431	86,661	57
GB, BHE	27	—	27	—	59,795	29
DP	15	10	5	107,303	179,590	19
ZP	2	1	1	55,835	217,342	8
KDP						11
DRP						3
DNS						2
	487	242	245			484

Note: The average number of valid votes for each seat on the first ballot was 56,509.

* Based on percentage of votes received on the first ballot.

39.8 per cent of the vote, and 32.6 per cent of the seats. Although their vote declined by only 9.2 per cent in 1953, they received 20.9 per cent fewer seats.

Table X shows the percentage of seats won by majority or plurality vote in the 242 districts in the nine *Länder*. One hundred and fourteen (47.2 per cent) of the seats in the districts were won by a majority vote, while the remaining 128 (52.8 per cent) were filled by plurality vote. In Hesse and Lower Saxony an abnormally large number of election district victories were won by pluralities, while in Bavaria majorities were the rule. Table XI gives the number of seats won in the constituencies by majority and plurality vote arranged by party and state; from it we can see that the CDU carried 104 or 60.5 per cent of its 172 district seats by majority vote. The SPD won only one of its *Wahlkreis* seats by a majority vote, the FDP six of its 14, and the DP three of its 10. Table XII indicates how the parties fared in over-sized or under-sized election districts; the smaller-sized districts were generally won by a majority vote, while the larger constituencies generally elected deputies by mere pluralities. The regional

TABLE IX. PARTY STRENGTH* ON A REGIONAL BASIS (MINOR PARTIES)

Party	Direct	Land List	% of Seats	Votes	% of Votes	Differential†
FDP/DVP	14	34	9.9	2,628,140	9.5	+0.4
KDP				607,413	2.2	-2.2
BP				465,662	1.7	-1.7
DP	10	5	3.1	987,952	3.3	-0.2
ZP	1	1	0.4	217,342	0.8	-0.4
GB/BHE	0	27	5.5	1,614,474	5.9	-0.4
GVP				318,323	1.1	-1.1
DRP				295,618	1.1	-1.1
			18.9		30.6	

Note: Federal totals—487 seats and 27,551,272 valid votes cast.

* As represented by number of Deputies elected to *Bundestag* from *Länder*—2d Ballot.

† Difference between percentage of seats gained and percentage of votes received.

and party variations in the size of the winning vote are interesting but quite inconclusive.

It is interesting to note that, in a selected list of some 73 *Bundestag* political leaders including members of the Cabinet, 48 were elected directly in districts, 21 secured their seats from the *Land* lists, and three were from West Berlin; one Cabinet Minister was not a member of the *Bundestag*. Of the 36 CDU-CSU leaders, only three were chosen from *Land* lists, while seven of the 17 SPD leaders were elected in this manner. Eight of the 13 FDP leaders owed their seats to the *Land* lists, while all four of the DP leaders held their seats by virtue of district election. Thirteen of the 19 Cabinet Ministers were elected in districts, four from *Land* lists, and one from Berlin, while one is not a member of the *Bundestag*.

TABLE X. PERCENTAGE OF WAHLKREIS SEATS WON BY MAJORITY OR PLURALITY, BY LÄNDER

Land	Number of Seats			Per Cent	
	Maj.	Plur.	Total	Maj.	Plur.
Schleswig-Holstein	7	7	14	50.0	50.0
Hamburg	4	4	8	50.0	50.0
Niedersachsen	12	22	34	35.3	64.7
Bremen		3	3		100.0
Nordrhein-Westfalen	36	30	66	54.5	45.5
Hessen	2	20	22	9.1	90.9
Rheinland-Pfalz	8	7	15	53.3	46.7
Baden-Württemberg	17	16	33	51.5	48.5
Bayern	28	19	47	59.5	40.5
Total	114	128	242	47.2	52.8

TABLE XI. NUMBER OF WAHLKREIS SEATS WON BY MAJORITY OR PLURALITY, BY PARTY, BY LÄNDER

Land	CDU/CSU		SPD		FDP		DP		ZP		Grand Total		
	Maj.	Plur.	Maj.	Plur.	Maj.	Plur.	Maj.	Plur.	Maj.	Plur.	Maj.	Plur.	Total
Schleswig-Holstein	7	7									7	7	14
Hamburg	2	1	1		2		2				4	4	8
Niedersachsen	6	7	1	10	2		3	5			12	22	34
Bremen				3								3	3
Nordrhein-Westfalen	35	16		13	1				1		36	30	66
Hessen	1	6		10	1	4					2	20	22
Rheinland-Pfalz	8	5		2							8	7	15
Baden-Württemberg	17	12		2		2					17	16	33
Bayern	28	14		3		2					28	19	47
Total	104	68	1	44	6	8	3	7	1		114	128	242

Several significant facts emerge from an examination of the margin of victory in the 242 constituencies as presented in the preceding tables. The margin of victory throughout the *Bund* ranged from 306 votes (District 50—Braunschweig) to 83,410 (District 69—Bonn), the median margin for all the 242 districts being 21,923. From tables which I have prepared I find that thirty-six (15.3 per cent) of the district seats were captured by vote margins under 5,000; sixty-five (26.9 per cent) of the districts by margins under 10,000. CDU and SPD each had five plurality victories with margins under 1,000 votes; only CDU had thumping majority victories with margins over 40,000 votes. Not so many districts were won by small pluralities as in 1949 because of the unprecedented sweep of the Adenauer party, but it is a commentary on election by plurality in districts that so many candidates (47) should win with pluralities under 40 per cent and so many (84) with pluralities under 45 per cent.

TABLE XII. NUMBER OF WAHLKREIS SEATS WON BY MAJORITY OR PLURALITY VOTE, BY SIZE OF WAHLKREIS, BY PARTY*

Party	Below-Average Size Wahlkreis			Above-Average Size Wahlkreis			Total		
	Maj.	Plur.	Total	Maj.	Plur.	Total	Maj.	Plur.	Total
CDU/CSU	61	33	94	43	35	78	104	68	172 (71.1%)
SPD	—	20	20	1	24	25	1	44	45 (18.6)
FDP	3	4	7	3	4	7	6	8	14 (5.8)
DP	3	4	7	—	3	3	3	7	10 (4.1)
ZP	—	—	—	—	1	1	—	1	1 (0.4)
Total	67	61	128	47	67	114	114	128	242 (47.2%) (52.8%) (100%)

* The median-size election district has 134,183 voters.

IV

The occupational background, age, sex, length of service, and residence of the candidates selected to represent the German people in the *Bundestag* are revealed in tables recently published.²¹ Of the 487 deputies, 245 were members of the first *Bundestag*. Of 156 retiring deputies, 73 were defeated and 83 were not candidates for re-election. As a result of the great CDU victory, it is not surprising to find that 130 of the 244 members of this party in the *Bundestag* are new members. In the SPD party 59 of the present 151 members are new.

Leaving out of consideration the 22 Berlin representatives who have no vote, there are 40 women out of the 487 deputies in the *Bundestag*.²² Of this number, 18 belonged to the CDU and 18 to the SPD, the percentage of women belonging to the SPD, therefore, being comparatively higher. In Table XIII one can also

TABLE XIII. WOMEN IN THE SECOND GERMAN BUNDESTAG: CANDIDATES
COMPETING ON FIRST AND SECOND BALLOTS

Party	Total Candidates		Women Candidates				Total Elected		Women Elected			
	First Ballot	Second Ballot	First Ballot		Second Ballot		First Ballot	Second Ballot	First Ballot		Second Ballot	
			No.	%	No.	%			No.	%	No.	%
CDU	220	252	10	4.5	51	20.2	172	71	6	3.5	12	16.9
SPD	242	368	12	5.0	47	12.8	45	106	3	6.7	15	14.2
FDP	223	259	4	1.8	25	9.7	14	34			2	5.9
DP	190	179	2	1.1	9	5.0	10	5				
KPD	241	266	16	6.6	37	13.9						
BG/BHE	236	196	3	1.3	16	8.2		27			2	7.4
DRP	73	63	2	2.7	5	7.9						
GVP	231	215	23	10.0	36	16.7						
DNS	84	73	6	7.1	7	9.6						
Others	65	91	3	4.6	3	3.3	1	2*				
Total	1805	1962	81	4.5	236	12.0	242	245	9	3.7	31	12.7

* Center party.

note the relatively small percentage of women candidates, their election from *Land* lists oftener than in districts, and the apparent reluctance of the important parties to nominate women, particularly in the districts.²³ Since the electoral law provides for *Land* lists and proportional representation, the chances for women as candidates are greatly increased.

So far as age is concerned, two-thirds of the deputies are found in the age group from 40 to 60; only 14 per cent are under 40 years of age. It is interesting to note that the successful candidates in the electoral districts are older than those elected from the *Land* lists. This is especially true in the two large parties, the CDU and the SPD. The average age of the 487 representatives is 51 years;

²¹ *Wirtschaft und Statistik, Neue Folge 5, Heft 9, S. 462-64* (Oct., 1953).

²² On January 4, 1954, Frau Emmi Walter, belonging to the CDU, entered the *Bundestag* from the CDU *Land* list of Nordrhein-Westfalen.

²³ See the article by Fraulein Bremme, "Die Frau als Wählerin and Gewählte," in *Der Wähler, 3 Jahrgang, Heft 7/8, 1953, S. 260*.

those elected only in the election districts average 52.3 years in age. As one effect of the movements of people as a result of the war, one-fifth to one-sixth of all the representatives belonging to the various parties were born outside of the state they now represent. In the CDU party about two-thirds of the representatives were born in the state they now represent; with the SPD the proportion is about half.

Of the 242 deputies elected to the new *Bundestag* from the districts, 165 reside in the districts which they represent, while 53 live in nearby districts in the same *Land*. Only 24 deputies reside in a *Land* different from that in which their district is situated. There appears to be a tendency for the SPD to select non-resident candidates and there is apparently some difference in practice between Northern and Southern Germany: in the South, candidates are more likely to have district residence.

Members of the *Bundestag* have varying professional backgrounds. Although it is sometimes rather inexact to classify deputies strictly according to their present professions, a recent tabulation throws some light on the number of deputies who come from particular occupational groups.²⁴ About a third of the deputies belong to the legal or public administrative class; 23.4 per cent are in commerce or in business; and about a tenth are farmers. The CDU and DP parties contain more farmer deputies than the other parties. A further tenth of the members consists of teachers and writers; another tenth of independent and retired persons or housewives.

Finally, in evaluating Germany's electoral experience in 1953, it is important to summarize the essential facts about voting behavior. Fortunately, German statistical services are now functioning on an efficient basis; in the election of 1953 they produced the most extensive and detailed election figures so far available in the democratic world, showing the breakdown of approximately 1.5 per cent of the total vote by age, sex, and party.²⁵ Furthermore, in most of the *Länder* additional data showing religion, urban and rural composition, and land use are available to illuminate the voting results.²⁶

In seven of the nine German states, 369 voting districts (*Stimmbezirke*) were carefully selected from small, medium-sized, and large cities; and the actual votes cast were tabulated in such a way as to reveal age, sex, and party prefer-

²⁴ *Wirtschaft und Statistik (Neue Folge 5, Heft 9)*, S. 464.

²⁵ *Wirtschaft und Statistik, Neue Folge 6, Heft 1*, S. 9-13 (Jan., 1954). More elaborate figures will appear later in a regular volume published by the Federal Statistical Office. Previous efforts along this line had been made in a few areas of Germany before 1933, as well as in Finland in 1919, in Denmark in 1926, and in 1929 in Sweden. In the occupation period certain cities, or parts of cities, separated the votes of men and women, as well as the votes for various proposals. I am especially grateful to Dr. Fürst, the *Bundeswahlleiter*, and to Dr. Horstmann, his deputy for election matters, for their very kind and efficient help.

²⁶ See *Statistische Mitteilungen aus Bremen*, 8 Jahrgang, Heft 4 (1953); *Mitteilungen des Hessischen Statistischen Amtes*, AId/3/53/2; *Statistische Rundschau für das Land Nordrhein-Westfalen*, 5 Jahrgang, Heft 10/11 (Oct., Nov., 1953); *Statistik von Baden-Württemberg*, Band 11 (1953); *Statistik von Rheinland-Pfalz*, Band 29 (1953); *Hamburg in Zahlen*, Heft 24 (1953); *Statistische Monatshefte für Niedersachsen*, Heft 11 (1953).

ence. In Bavaria and Rheinland-Pfalz, objections were raised to revealing such data, even though the *Bundesrat* had approved the regulations. Subsequently, the Bavarian Statistical Office prepared its own figures from Bavaria covering however, voting figures arranged by sex and party only and not by age groups.²⁷ The Bavarian data were secured in 106 voting districts of the state containing some 69,369 voters. Altogether, therefore, the voting records of some 319,818 voters in seven states and 69,369 voters in Bavaria were tabulated to reveal significant facts about German voting behavior.²⁸

An analysis of this large mass of voting data permits wider and sounder generalizations about German voting habits than have heretofore been possible. Without attempting to exhaust the inferences which may be drawn from the data here, we must summarize some of the salient facts so that a complete picture of the way in which the Germans voted under their electoral arrangements in 1953 can be seen.

In the 1953 election 33,120,940 persons were qualified to vote. This is about 1,900,000 or 6.1 per cent more qualified voters than in 1949. It is estimated that in the period since 1949, about 2,800,000 young voters qualified for the first time, in addition to 1,200,000 older persons, including approximately 100,000 persons who had been disqualified under the de-Nazification laws. Approximately 45 per cent of the qualified voters were men and 55 per cent were women.

The number of voters in 1953 was 28,479,550, compared with 24,495,614 in 1949. The voting participation in 1953 was 86.0 per cent, as compared with 78.5 per cent in 1949. This is a higher voting turnout than was recorded in any *Reichstag* election under the Weimar Republic, including the election of 1919 to the National Assembly.²⁹

What do the official voting figures show about the relative voting participation of men and women? First of all, they show that male voting participation (88 per cent) is, as usual, higher than that of women (84.9 per cent).³⁰ Voting participation is highest among middle-aged people and lowest among those under 30; it tended to increase with age up to about age 60, after which there was some decline. The disparity between males and females in voting participation is most pronounced in the group over 60 years of age. Interest in voting appears to decline faster among older women than among older men. Among the young voters, women seem to exhibit a slightly higher voting participation than do men.

Examination of the relative participation of men and women and of different

²⁷ *Informationsdienst des Bayerischen Statistischen Landesamtes, Reihe II/E/1/25* (Oct. 30, 1953).

²⁸ The data for individual voting districts were not made public for obvious reasons, but certain district results were somehow obtained and published. See *Sopade, Nr. 940*, p. 15 (Dec., 1953); also *Bulletin*, Vol. 2, nos. 21 and 27. Also the results by states appear in their respective state returns.

²⁹ An interesting detail of the voting is that 1,019,462 persons voted with election certificates outside of their regular residences. In Germany's largest state some 239,000 *Wahlscheine* were used.

³⁰ In Bavaria, the figures were 88.5 per cent for men, 86.2 per cent for women.

age groups according to party predilections (Table XIV) reveals several interesting facts. Women favored the CDU party in a much higher percentage than did men. The disproportion between male and female CDU voters is highest in the middle-age group (see Table XV).³¹

With the SPD party, the percentage of men is much higher than that of women and the support of this party comes from younger and middle-aged people rather than from the elders. Among the younger people who voted for the SPD, men and women are almost equally represented. Among the middle-aged group, men are well ahead of women in giving their votes to the SPD. With the FDP party, most of the support comes from the group of middle-aged

TABLE XIV. PARTY VOTERS ACCORDING TO SEX AND AGE (BUND WITHOUT BAVARIA OR RHEINLAND-PFALZ)*

Party	Men				Women			
	Age groups				Age groups			
	Total	Under 60	30 to 60	60 and over	Total	Under 30	30 to 60	60 and over
CDU	37.9%	40.3%	36.1%	41.1%	45.5%	46.7%	43.8%	49.6%
SPD	31.7	33.3	32.1	29.3	26.6	28.0	27.3	23.8
FDP/DVP	11.4	9.7	12.0	11.1	10.1	9.1	10.6	9.3
GB/BHE	5.8	4.9	6.2	5.6	5.8	5.0	6.1	5.4
KPD	2.9	2.2	3.2	2.5	1.6	1.4	1.8	1.3
Miscellaneous	7.8	6.9	8.0	7.8	6.9	6.3	6.9	7.1
Invalid Votes	2.5	2.7	2.4	2.6	3.5	3.5	3.5	3.5
Total Second Votes	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

* Adapted from *Wirtschaft und Statistik* (cited in note 25), p. 12.

people. The young people seem to be least likely to vote FDP. With the Refugee party, there is almost no disparity between men and women; its main supporters come from among the middle-aged. Older and (even more pronouncedly) younger people tend not to support the Refugee party. Thus, the strongest "Irredentist" feelings appear to prevail among the middle-aged refugee population. A breakdown of the Communist party figures shows that this party draws its support overwhelmingly from among the middle-aged, especially middle-aged men.

It appears that men distinctly more than women support rightist causes. Quite significantly, young voters of both sexes are not inclined to support these parties. It is the middle-aged group of male voters which ranks highest among the rightist supporters.

³¹ In Bavaria, 60 per cent of the CSU voters were women. Also, 52.7 per cent of all feminine voters supported the CSU. Differences between men and women in the use of the two votes were not appreciable. Switching of votes among the parties of the government coalition occurred in significant proportions, but not in the SPD.

TABLE XV. PERCENTAGE OF VALID VOTES CAST BY AGE GROUP AND SEX

The CDU Voter				The SPD Voter			
Age	Total	Male	Female	Age	Total	Male	Female
Under 30	17.0	7.7	9.3	Under 30	18.8	9.3	9.5
30-60	59.8	24.1	35.7	30-60	63.3	31.1	32.2
Over 60	23.2	9.7	13.5	Over 60	17.9	10.0	7.9
Total	100.0	41.5	58.5	Total	100.0	50.4	49.6

All Parties			
Age	Total	Male	Female
Under 30	16.4	8.1	8.3
30-60	62.2	28.2	34.0
Over 60	21.4	10.0	11.4
Total	100.0	46.3	53.7

In summary, it appears that women voters prefer the party which stands for traditional values, namely, the CDU.³² They seem inclined to emphasize conservative trends in German society. This appears to be particularly true of older women and of those under 30 years of age. This explains why women rank lower than men in the support of parties which represent a change, be it backward or forward. One possible exception is in the case of the Refugee party.

Men, on the contrary, are more inclined to support groups on the right and left, with some qualifications. Among men it is primarily the middle-age-group and to a certain extent the older people who tend toward instability. The data show very strikingly that the younger generation does not follow this trend. Young voters tend to support the two major parties, with men favoring the SPD and women the CDU. The support of both sexes for the two major parties is considerably higher among young voters than in the other age groups. The most unstable age group in the voting population appears to be that between 30 and 60. The support for the Refugee party comes overwhelmingly from this group, as does the support for the Communist party. On this point the data seem to corroborate general assumptions about the old and new generations in postwar Germany.³³ One final interesting fact is that voting participation was lowest in cities of over 50,000 population.

³² The difference between men and women so far as invalid ballots are concerned is very slight.

³³ Statistics showing religious and occupational data by election districts are available in Rheinland-Pfalz and illustrate another aspect of German voting behavior. Four *Wahlkreise* (nos. 149, 151, 153, and 154) have a Catholic population of 90 per cent or above, and it is in these districts that the CDU scored overwhelming victories, ranging from 67.2 per cent to 79.6 per cent of the total vote. Where both Catholic and agricultural populations are high, the CDU vote reached its peak (District 153—Prüm).

V

In concluding this analysis of the behavior of the German electorate under the 1953 electoral law,³⁴ we re-emphasize two special points. The first is the remarkable fact that for the first time in German party and parliamentary history, one party secured, under a system using proportional representation, an absolute majority of the seats. The new electoral law faithfully represented the overwhelming support of the German people for the Chancellor and his program without depriving the country of an effective opposition party in Parliament. Without P.R. the Social Democratic party would have been reduced from 31 per cent to 18.6 per cent in strength and the CDU would have been so awkwardly large with 71 per cent of the seats that the Chancellor might have found his majority to be lopsided and unmanageable.

The device of using two votes worked successfully, without producing either abuses or unusual results. But more importantly—and this is the second special point—the restrictive provisions against splinter parties resulted in a concentration of party representation in six parties. Moreover, the two large parties remained large and the relative strength of the minor parties was reduced. What this means for the stability of parliamentary government in West Germany needs no further argument.

Actually, the concentration of power in the hands of the CDU has a somewhat different meaning than it would have in a country with a two-party system. The CDU includes its Bavarian counterpart, the CSU, which does not always see eye to eye with its North and West German colleagues. Its 52 seats constitute an important faction in the total CDU strength. Similarly, the strength of the Refugee party, the BHE, may be only temporary and its vote may in the next election be merged with the vote of one or more parties. Also, the Bavarian party was eliminated from representation in the *Bundestag* but still exists as a force in the Bavarian *Landtag*. Similarly the Heinemann party, known as the *Gesamtdutsche Volkspartei*, while it secured over 300,000 votes throughout the Federal Republic, is without *Bundestag* representation and may disappear before another election.

Thus party movements are still in a state of flux in Germany and while the number of parties has been brought down to a reasonable figure, there is still plenty of evidence of the strong fissiparous tendencies which have been a feature of German politics. In 1953 the Germans under their compromise law kept *Splitterparteien* under control while at the same time giving an incontrovertible mandate to one party. The latter would not have been possible without the

³⁴ A publication of the Statistical Office of Rheinland-Pfalz entitled *Wahlverfahren und Demokratie* (Bad Ems, 1949), prepared by H. Unkelbach under the direction of Prof. Dr. Zwick, the President of the Office, is very useful in studying German electoral problems. Evaluations or reports of the 1953 election worthy of mention are the article by Prof. Grewe in *Archiv des öff. Rechts*, Band 79, Heft 2, S. 245 ff. (Oct., 1953); an issue of *Der Wähler*, Heft 7/8 (1953) entitled "Das deutsche Wahlwunder;" and Sigmund Neumann, "The German Elections—Meaning and Impact," in *Foreign Policy Bulletin*, Aug. 15, 1953, pp. 1-3.

former, and it is all the more commendable that strength and stability in the government have been achieved without sacrificing sound principles of representation, including minority rights.

Not without considerable significance is the fact that a commendably high voting participation of 86 per cent was recorded in the 1953 election. The voters were attracted to the voting places by the challenge of an effective campaign, and had no reason to fear that their votes might be wasted through the operations of an unrepresentative electoral system. In the nominating as well as in the election process, more German electors participated than ever before. Unless one neglects the factor of voter participation entirely in considering the excellence of a voting system, he must credit the 1953 German system with producing highly satisfactory results.

In Germany's present state of semi-sovereignty and with the country still divided, the election of 1953 will go down in history as one which, so far as both foreign and domestic reactions are concerned, registered a clear expression of the popular will in favor of the policies of the Adenauer government, and gave to this government a stronger and more stable base than exists in any other Western European country. In other words, the election results were clear and unmistakable; there was no "clouding up of the mirror" which reflects popular opinion. Germany's internal politics were clarified at the same time that its foreign position was strengthened. No one could fairly claim that this extraordinary situation resulted entirely from Germany's new voting system. But the system certainly permitted and made possible these happy results. A change in any one of its main features would have produced some confusion, uncertainty, and dissatisfaction. As it is, the second German Parliament and a strong government now responsible to it are functioning efficiently as the country's genuinely representative institutions. Respect abroad is high for the Bonn government; party leadership and responsibility at home are superior; and real progress is being made in reconciling diversities and in moulding the young state into a workable democracy. The newly elected Parliament will do well not to disturb internal political arrangements by tinkering with its presently satisfactory electoral system.³⁵

³⁵ Since the 1953 law was adopted for this election only, the *Bundestag* must enact a permanent electoral law during its present term. Due to serious differences of opinion about the matter within the government parties, as well as to the press of other business, little progress has been made to date (Feb., 1955). In the light of Germany's experience with two postwar general elections and with numerous state and local elections in which a combination of P.R. and the plurality system have been used successfully, it seems unlikely that a return to the plurality system of Imperial Germany will occur.

NEO-FASCISM IN WESTERN GERMANY AND ITALY*

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The action of the French National Assembly in the late summer of 1954 finally ended the hopes of proponents of the European Defense Community Treaty. Today the treaties and protocols of the London and Paris Conferences which proposed the creation of a Western European Union are the objects of official scrutiny. Both Italy and Germany will become members of the Western European Union after the appropriate ratifications of these documents. The restoration of Germany to a status of equality with that of other Western European states and her admission into NATO have been proposed by the Foreign Ministers of the Western powers.

But behind these actions there has lurked a fear which is reflected in many European countries, the fear of a neo-fascist rebirth in Western Germany and Italy. The image of a rearmed Germany, feeding on the industry of the Ruhr and associated with a Nazi revival, frightens many French parliamentarians. In Britain, the Bevanites have expressed left-wing Laborite fears of German rearmament and have associated it with probable fascist direction. Said their leader on November 18, 1954, in a parliamentary exchange: "Do you think the people of this Country will be safer against the prospects of war if German armies and their Nazi officers have atom and hydrogen bombs?" The neutralism prevalent among some groups in Western Europe can be interpreted in part as their reaction to similar questions. And in the United States, there has not been lacking in some quarters a belief that there is a dangerous spectre which is haunting Western Europe and the world, namely a neo-fascist revival on the north side of the Rhine.

At the moment this fear is being fully exploited by Soviet leaders. Deputy Premier Maxim Z. Saburov recently charged that "Hitlerite generals" and others who plotted "Hitler's aggressions against France, Poland, Czechoslovakia, and the Soviet Union and other peace-loving countries" were again gaining power in Germany. The text of the Soviet note of November 13, 1954, to France proposing an all-European Security Conference charged that "a West German army is being created under the leadership of those German generals who headed the Hitler army in the years of the Second World War and were co-participants in the Fascist creation and cultivation of Hitler's New Order in European countries."¹ This charge constitutes an effective weapon which Soviet propagandists have directed against efforts to secure a greater degree of political and economic unification and military integration in Western Europe.

* This paper is a revised and substantially expanded version of one originally read at the 26th annual meeting of the Southern Political Science Association, held in Columbia, South Carolina, Nov. 4-6, 1954.

¹ Quoted from text in *New York Times*, Nov. 14, 1954, p. 2.

It has also been a useful tool in their efforts either to neutralize Western Germany or to unify Germany on Soviet terms.

For these reasons, an appraisal of the neo-fascist developments in Western Germany and Italy is justified at this crucial time. If Italy has not occupied the attention of the public to the same degree as Western Germany, it is because of a general recognition that she plays a less important role in the European power structure. But Italy carved a fascist path from 1922-1926 to be followed later by Germany, which proved both stronger and more "totalitarian"² in the end. Also Italy's strategic geographic position lends to internal developments in that country an especial significance for all of Europe.

In discussing neo-fascism in both Germany and Italy, we shall not be concerned with the question of its desirability as a political alternative. The answer can be taken for granted. Rather, we shall examine the concept of fascism and weigh the evidence which points to such a neo-fascist revival and potential development. In terms of time, our emphasis is upon the present rather than the future, and where we are tempted to make prediction or prophecy our compass is the short rather than the long range.

Some researchers hold that certain persons and groups of persons are more "prone" to fascism than others. The authors of *The Authoritarian Personality*³ conclude on the basis of their researches in the United States that the "authoritarian" man is a type to be found in all countries. He possesses certain traits which are empirically ascertainable, such as a tendency toward compulsive conformity to ideas of orthodoxy, a concern for obedience and discipline, a "latent tendency toward dependence," and, in particular, a "herd-minded" attitude (ethnocentricity). These traits determine the proneness toward "authoritarianism" (as this term is used by the collective authors). This "readiness level" of susceptibility to authoritarianism is particularly marked among certain individuals and among certain groups; and from authoritarianism to fascism there is only a step, at least in the sense that the authoritarian personality is "the potentially fascistic individual."

The advocates of various vacuum theories, namely that fascism is that something which fills the void created when a prevailing set of beliefs has been shattered or has disappeared, explain fascism in terms of a replacement—poor but filling. "The masses must have something. They cannot endure the vacuum," said Peter Drucker. "Fascism is the result of the collapse of Europe's spiritual and social order," he continued. "The last decisive step leading to this collapse was the disintegration of the belief in Marxist socialism." Whether this replacement follows the "End of Economic Man," or the lack or disappearance of an orthodox religious faith—or whether it represents an "Escape from Freedom" or a "flight from freedom into forgetfulness," it provides something in the way of a secular substitute, a type of political religion for that which has disap-

² Professor Hannah Arendt refuses to classify Fascist Italy, in contrast to Nazi Germany, as a "totalitarian" country. *The Origins of Totalitarianism* (New York, 1951), esp. pp. 256, 258 ff.

³ T. W. Adorno et al., *The Authoritarian Personality* (New York, 1950).

peared.⁴ To these writers the antidotes for fascism, or other extremist political alternatives, are a return to orthodox religious faiths, or the development of loyalties based upon reason and a belief in a common authority of divine origin, or the common acceptance of principles of justice, etc. Some of the writers of this bent are pessimistic when they survey the present German and Italian scenes and appraise the extent to which such faiths, loyalties, and beliefs have been either revived or created. Hence it would appear that prevailing psychological and spiritual conditions point toward the possibility of a repeat performance of fascism, or, alternatively, experimentation with some other extreme nostrum.

The Marxist, in his various hues, still views fascism as one phase in the inevitable passage of the dialectic on the way to the uncertainty of its final resting place. Fascism may be viewed as the actual *stage* of monopoly capitalism. Or the stress may be placed, to borrow from recent writings, upon the *techniques* and *means* for securing the "fortress of capitalism." Since capitalism has not been liquidated in Western Germany or Italy, fascism has never disappeared in the eyes of some. Or, if fascism was temporarily liquidated after World War II, there is always the possibility of its recurrence so long as vestiges of capitalism remain.

We cannot here pass upon these points of view—the limitations and inadequacies of the first two and the faulty assumptions of the third. Fascism, at least where it exists as a mass *movement*, cannot be adequately explained by the findings of psychological laboratories in the United States, which provide the data for the hypothetical recurrences placed in different environments and foreign settings. Some of the writers of the vacuum school have pointed to basic factors which have facilitated the rise of fascism, but they have been unable to deflect their vision from the bottomless pit to other contributing phenomena. Included in these phenomena are certain of the economic factors which the Marxist stresses, only to ignore other factors, or to distort them along with the economic ones by fitting them into his preconceived frame of reference. This frame of reference has made it difficult for the orthodox Marxist to appreciate the nature of the drives of the lower middle classes and of the both fundamentally revolutionary (in the Aristotelian sense) and essentially anti-capitalistic character of fascism. But we do mention these as illustrative interpretations which have currency and which, if accepted, would necessarily color our conclusions regarding the possibility of a neo-fascist revival in the future.

For our purposes, the concept of fascism will be viewed as embodying a combination of institutional manifestations and dogmas or theories. These institutional manifestations include undemocratic forms of government, marked by the features of an unconstitutional dictatorship; agencies to restrict the freedom and autonomy of the individual toward a "state of the masses"; military agencies for waging imperialistic war; and *non-capitalistic* forms of economic

⁴ There is a comparable group of writers who explain the success of communism in somewhat similar fashion. Note the summary in Gabriel A. Almond, *The Appeals of Communism* (Princeton, 1954), pp. 183–84.

control, to which the vague term "corporative" has often been applied. The dogmas or theories include such positive components as nationalism, corporativism, imperialism, and rule by an elite. They also include, on the negative side, anti-semitic, anti-democratic, anti-Marxist, anti-liberal and, especially, anti-rational components. This combination of institutional manifestations and dogmas or theories reflects the particularity of the country's historical background and of the social, cultural, and economic environment.

With this concept as a point of departure, four questions suggest themselves for examination:

1. Is the historical and environmental setting in Italy and Germany today ripe for a neo-fascist revival, keeping in mind the circumstances which encouraged fascism between World Wars I and II in these two countries?
2. Is there a well-defined body of neo-fascist dogmas or theories which claims wide acceptance in Italy and Western Germany?
3. Are there effective organizations, movements, or parties to serve as the proponents and implementers for such dogmas or theories in these two countries?
4. Are there special buffers which would hinder the success of such organizations, movements, or parties and what are the conditions under which these buffers might not prove efficacious?

I

Those who are inclined to stress the factors in the Italian setting which are favorable to a neo-fascist revival point out the continuing differences of caste and class; the economic quicksands in a country poor in natural resources, restricted in its capital accumulation, and the victim of chronic unemployment of around two million; the existence of particular social groups which are reacting against a loss of prestige, or real income, or both—upper civil servants, the displaced and unemployed intelligentsia, and the skilled workers whose real income has shown a continued tendency toward equalization with that of the unskilled workers; some southern land owners who have been resentful of the partial land reform undertaken since 1950; industrialists who are fearful of communism; and those of the youth to whom nationalism is identified with fascism. A mood of hopelessness can lead, it is argued, to *any* extremist political experimentation for that numerous part of the population which feels that it has "nothing to lose." They point further to the existing legislation which has been carried over in unchanged form from the fascist period (especially legislation affecting public safety, police organizations and procedures, public demonstrations, etc.). The governmental bureaucracy, it is further alleged, was never really "purged" and is staffed in the upper echelons by many unrepentant fascists.⁵

⁵ John Clarke Adams and Paolo Barile, "The Implementation of the Italian Constitution," this REVIEW, Vol. 47, pp. 61-83 (March, 1953); and cf. the author's "Reform of the Italian Bureaucracy," *Public Administration Review*, Vol. 13, pp. 247-56, at p. 249 (Autumn, 1953).

Western Germany offers many points of difference, especially in the economic sphere, where there has been amazing progress since the currency reform of 1948. But some of the same conditions favorable to neo-fascism in Italy, it is alleged, are also present in the Federal Republic, where they are aggravated by such social problems as those produced by the millions of partially assimilated refugees and displaced persons and the heritage of National Socialism. There are few German leaders in the political area, outside of Adenauer and Heuss, who can command general respect and whose names carry great prestige. Above all, the territorial division of Germany gives the problem of German unification deep, almost pathological, significance. There is lacking a deepseated agreement upon fundamental issues except this one of unification. Here, the differences (and they are bitterly presented at times), are over the strategy and means to attain the desired end. Even such a thoughtful observer as Hans Speier, in looking at the backdrops, is convinced that "German society is still, by and large, a synthetic structure created upon the debris of National Socialism, defeat and disillusionment, accommodation to foreign powers, and feelings of guilt and defiance." "Germany's institutions," says he, "command little respect."⁶

There is a brighter side to the Italian and German pictures which are painted by these critics. Italy's industrial production is today over 50 per cent higher than in 1938; her currency is one of the most stable in Western Europe; her parliamentary system, though recently revived and fragile and under continual attack from within and without, is today loosely anchored in a coalition, representing a bare majority in the Chamber and Senate, with its pivot moving toward the center and left wings of the Christian Democratic party; Zone A, including the City of Trieste, has been returned to the homeland; the Western European Union may revive a small part of the deepseated enthusiasm among important groups in Italy for a more united Europe; and the limited land reform and the modest accomplishments of the *Cassa per il Mezzogiorno* have provided some hopes among socialist cynics, especially among the Saragat-led supporters of the present government.

And in Germany—even if it is too early to determine the degree of lasting acceptance of the fundamental premises on which such a parliamentary system must rest—we can see the parliamentary system functioning through political parties which, while still exhibiting some evidences of the artificiality of their recent creation or revival, accept today at least the formal rules of a parliamentary system. The sharpness of the earlier pre-1933 ideological gulf between classes and *Weltanschauung* parties has been tempered. It is probably less marked in Germany than in either Italy or France. There is no colonial question to add to the unification issue, which might furnish extra fuel for the deepseated nationalistic fires. There is an absence of a floating group of ex-soldiers and a limited number of unemployed in an economy providing Germany's highest average real income since World War I, a gross national product which has doubled since 1949, and estimated investments in 1954 which would represent

⁶ "German Rearmament and the Old Military Elite," *World Politics*, Vol. 6, pp. 147-68, at p. 149 (Jan., 1954).

over 20 per cent of this gross national product. Despite some authoritarian aspects of the Adenauer regime, there is a growing sense of stability and moderation. But it reflects, observed Otto Kirchheimer in a somewhat optimistic vein, a "mellow conservatism" which is "fearful of involvement," and of "political experiment,"⁷ including neo-fascist experiments. Whatever Germans think of American conceptions of democracy, and their attitudes are mixed, they generally hold a strong aversion for a reappearance of the features of a fascist political system which they associate with the dismal past.

II

In commenting on the second question, that is, whether there are well-defined fascist or neo-fascist dogmas or theories which claim wide acceptance in Germany and Italy, we must recognize the temptation to broad and unsupported generalization. However, *nationalism* in its older and newer forms is present in ample degree in both Italy and Western Germany; witness the position of nearly all parties where territorial considerations involving Trieste or German unification have been raised.⁸ *Corporativism*, as viewed in the light of the precedents furnished by the past Italian and German fascist systems, can flourish under various guises: as a theory of organizational structure based on previous precedent, with particular stress on officially defined membership and functions of associations recognized by the state and legally termed "corporations"; as a theory which provides a façade and rationalization for government policies which emphasize economic autarchy, fixed prices, extensive state controls over the economy; and as a theory which is centered on a particular type of economic or functional representation, wherein the producer is stressed. If we assume that fascist corporative theory would incorporate something from all three of these elements, *including* the first and third, there does not appear to be a *widely* accepted advocacy of such corporativism in either country.⁹ Theories of the *élite* are found in some form in all countries. Here

⁷ "Notes on the Political Scene in Western Germany," *World Politics*, Vol. 6, pp. 306 ff. (April, 1954). Note the pertinent comments by an astute observer, James K. Pollock, in "The Electoral System of the Federal Republic of Germany," this REVIEW, Vol. 46, pp. 1056-68, esp. pp. 1065 ff. (Dec., 1952).

⁸ Not the least nationalist of German political parties has been the Social Democratic party, which has accelerated its past "trend toward nationalism." See Henry L. Bretton, "The German Social Democratic Party and the International Situation," this REVIEW, Vol. 47, pp. 980-96 (Dec., 1953).

⁹ This is not to deny that there has been corporative writing which is reminiscent of the Fascist past. In Italy, reference might be made to Camillo Pellizzi, *Una rivoluzione mancata* (Milan, 1949), esp. pp. 215-22. Pellizzi, a former professor of political science at the University of Florence, was president of the Institute of Fascist Culture from 1940-1943. Mention should also be made of *Giovanni Gentile*, ed. Vittorio Vettori (Florence, 1954), in which the contributors borrow heavily from Gentile's posthumous writing, *Genesi e struttura della società*, which appeared in 1946. Christian Democratic corporative theories contain a wide variety of points of view, ranging from those held by members of the left, center, and right wings of the party. The masthead of the publication of the anti-Laurian monarchists, *Italia Monarchica*, carries the motto, "*Patria, Libertà, Corporativismo*." On

suffice it to say that there are no reputable theorists or widely accepted elite theories in Italy or Germany which furnish serious resemblance to the justifications offered for the roles of *Der Führer* or *Il Duce*. Anti-semitism in Italy was largely manufactured after 1938, though it had deep roots in Germany¹⁰ which have been far from eradicated in the postwar decade. But in neither country have major and continued evidences of anti-semitism of an overt type appeared. Despite local episodes, especially in Berlin,¹¹ no political party except minor ones has yet sought to capitalize on it on a national scale. Anti-democratic attacks upon parliamentary government have been in evidence on both the extreme right and left in Italy and Germany, but the rightist attacks do not always evidence logically consistent anti-democratic assumptions. These illustrations indicate that there are some significant theoretical threads which, if woven together in a meaningful way, might collectively constitute a general theory of neo-fascism. But neither in Western Germany nor in Italy to date has there appeared any major writing with the requisite degree of acceptance to serve as an umbrella or a central connecting rod to cover or to join these theoretical threads.

III

To pass to the third question, namely, is there a well-defined organization, movement, or party which considers itself or is considered by others to be the spearhead for the distribution or implementation of neo-fascist dogmas or theories? Charges of the continuance in office of former Nazi officials have frequently been made.¹² Dr. Otto John's defection to the East in 1954 offered him

the background of Christian Democratic corporative theories in Italy, consult Luisa Riva San Severino, *Il movimento sindacale cristiano* (Rome, 1950). (For calling my attention to certain of the writings mentioned above, I wish to express my indebtedness to Mr. Dante Germino.) In addition, particular mention should be made of the argument by H. Stuart Hughes that in Italy "Corporative procedures and the corporative mentality remained" and are the "dominating features of the Italian economy today," *The United States and Italy* (Cambridge, 1953), pp. 180 ff. Some of the differences in viewpoints regarding the significance of corporative theory in Italy may be explained in part by differences in the use of the term "corporative," which lends itself to a wide variety of definitions.

In Nazi Germany after 1935, Nazi spokesmen rejected violently the concept of a *Ständestaat* and only occasionally made passing reference to corporative organization. See the author's "Corporative Organization of the Third Reich," *Review of Politics*, Vol. 2, pp. 438 ff. and esp. pp. 460-62 (Oct., 1940). It is to be doubted that a new neo-fascist leader in Western Germany would, if he viewed past precedent from 1935-1945, consider "corporative organization" (as he would define it), to be an essential feature of a new *Reich*.

¹⁰ Cf. Arendt, *The Origins of Totalitarianism*.

¹¹ Note, for example, the charges of the Jewish Communal organization and certain other groups against the German party following a party rally in Berlin, *New York Times*, Nov. 26, 1954, p. 1. In the municipal elections held on December 5, 1954, the German party failed to secure the necessary five per cent of the popular vote which permits representation in the city's legislative body.

¹² See the author's "The Democratization of the German Civil Service," *Journal of Politics*, Vol. 14, pp. 3-18 (Feb., 1952).

an occasion to broadcast such charges from the Soviet controlled part of Germany. The West German Trade Union Confederation voted in October, 1954, by 380 to 4 that "the remilitarization and creation of a German army, as provided by the London Agreement, brings about the danger of an authoritarian state"; and the leaders of the young trade union members expressed doubt that a "democratic army" could be expected in Germany in the next decade and a lack of confidence in the officer corps and non-commissioned officers who would have received their training in the "Nazi army."¹³ Leaders of the Social Democratic party have given strong expression to similar views, most recently in *laender* elections in November, 1954, in Hesse and Bavaria. Chancellor Adenauer, who has himself been deeply concerned about the inherent dangers of a powerful German army to the West German democratic system, recognized, in one of his first statements regarding the relations of the armed forces and the state, the strength of these criticisms and emphatically insisted that the army must be strictly subordinated to civilian control in the future.¹⁴ There are deep-seated fears of a new German army, not only as a future device for restoring "Prussian militarism" but also as a means of directing this militarism into fascist channels.¹⁵ The death of EDC, with its provisions for a *European* army, will increase these fears, even if for the time the realization of the limited role which the German army can play in the European balance of power, the reactions of the youth toward military service, and the memories of the last war will restrain those forces which might seek an uncontrolled military establishment. And in Italy as well there have been frequent charges, some of them only partially substantiated political charges, that the present army has carried over much of the personnel of the fascist regime. But history of the modern epoch provides no Italian analogy for the spirit of Prussian militarism, and even if it did the record of the Italian army under Mussolini could hardly arouse fears of its sudden revival.

There are also suspicions of the higher bureaucracies of Western Germany and Italy, which, it is alleged, have never been democratized.¹⁶ It is true that the German and Italian bureaucracies were affected less by World War II than most other institutions, including the armies, which were destroyed. It is also true that the civil service superstructure in both countries has lagged behind

¹³ *New York Times*, Oct. 10, 1954, p. 19; HICOG, *Labor Headline News*, Oct. 11, 1954, pp. 1-3.

¹⁴ *New York Times*, Nov. 8, 1954, p. 1. In announcing his plans to relinquish the post of Foreign Minister, Chancellor Adenauer indicated that he wished to devote his attention to West German rearmament so that "the military does not gain the upper hand over civil power," *ibid.*, Dec. 5, Sec. 1, p. 12. But the problem of screening officers, including the noncommissioned ones, in the new national army is causing concern among certain German observers, *ibid.*, Nov. 14, 1954, Sec. 4, p. 6.

¹⁵ Note J. W. Wheeler-Bennett's analysis of the role of a politicalized German army, and particularly after 1938, in his *The Nemesis of Power* (New York, 1954).

¹⁶ Arnold Brecht, "What Is Becoming of the German Civil Service," *Public Personnel Review*, Vol. 12, pp. 83-91, esp. pp. 84-85 (April, 1951); Franz Neumann, *German Democracy 1950*, International Conciliation Pamphlet No. 461 (May, 1950), esp. pp. 257-58, 263-65; but cf. James K. Pollock, "The First Year of the Bonn Government," *Journal of Politics*, Vol. 13, pp. 19-34, at p. 21 (Feb., 1951).

the societies as a whole in their hesitant adoption of democratic ideas and practices. But the basic loyalties of these bureaucracies were never fundamentally fascist. Perhaps it would be proper to term their past loyalties, as did the late Franz Neumann in his *Behemoth*,¹⁷ as essentially pro-bureaucratic, which implies a willingness to "march with the strongest army." In any event, the political flexibility of such loyalties would necessarily occasion uncertainty to proponents of a democratic order. These suspicions and fears are in our opinion exaggerated; nevertheless the army and the bureaucracy are the most significant institutions to observe and the institutions which will largely set the "political style" for the future in Western Germany and Italy.

As distinguished from the institutions of the army and the bureaucracy, there are various fascist-oriented organizations in Western Germany and Italy which are concerned with influencing public opinion directly, or with securing representation in parliamentary bodies. In Western Germany these have included a long list of singing societies, *Brüderbunde*, youth organizations, and, to take a recent appearance on the scene, mutual benefit societies the purposes of which are to recover property confiscated from former Nazis by Denazification Courts and to combat derogatory stories about former Nazi agencies.¹⁸ Veterans' organizations have offshoots which occasionally reflect the memories of former Nazi military formations. After 1948, political parties of the extreme right with more or less distinctive fascist leanings have included the German Reich Party and others. The most important and most distinctively fascist party was the Socialist Reich party (SRP), which was founded in 1949 and disbanded in 1952 in the face of pending proceedings before the Constitutional Court calling for its dissolution as violative of the German Basic Law.¹⁹ The SRP represents the postwar highwater mark of the efforts of former Nazis or sympathizers to realign themselves into a political party. Today neither an extreme leftist party, nor an extreme rightist party with Nazi leanings has representation in the German Bundestag. But be it added that some credit therefor may be given to the provisions of the new Electoral Law of 1953, which increased the difficulties faced by minor parties in securing parliamentary representation, as well as to the vigilance of the Adenauer Government in enforcing constitutional laws against parties or groups seeking the overthrow of the constitutional system.²⁰

¹⁷ "The ministerial bureaucracy . . . are neither pro- nor anti-National Socialist, but pro-ministerial bureaucracy." Quoted from the original edition (New York, 1942), p. 373. The post-war apologia of former high bureaucrats in both Italy and Germany furnish added support for this viewpoint. Cf. John H. Herz, "German Officialdom Revisited: Political Views and Attitudes of the West German Civil Service," *World Politics*, Vol. 7, pp. 63-83, at p. 66 (Oct., 1954).

¹⁸ These latter organizations publish a monthly periodical, *Die Anklage*.

¹⁹ On the background, see HICOG, *7th Quarterly Report on Germany* (1951), pp. 30 ff., and *9th Quarterly Report on Germany* (1951), pp. 44 ff. In the elections in Lower Saxony on May 1, 1951, 16 SRP candidates were elected to the legislature composed of 158 members.

²⁰ On the eve of the national election in September, 1953, the National Government requested the dissolution of the German Reich Party by the Constitutional Court, charging that its membership showed it to be the successor of the SRP and that it had unconstitutional objectives.

More effective and more significant have been the efforts of former Nazis to infiltrate the political parties now represented in the *Bundestag*.²¹ The German party and the All German Bloc fell heir to certain of the adherents of the disbanded SRP and the latter party, in particular, has received the support of other former well-known Nazi figures. The most notorious illustration of such infiltration was that of the much publicized activities of the Ruhr group headed by Dr. Werner Naumann (a former Goebbels aide and an officer in the SS), the members of which were arrested in the British Zone in 1953, originally by British officials, and charged with contacts with former Nazi leaders, at home and abroad. Naumann's personal party affiliations had been with the Free Democratic party, but his group was officially charged with efforts to infiltrate all of the parties of the Adenauer coalition and to infect them with "National Socialist and unconstitutional ideas." The case against Dr. Naumann was dropped by the German Supreme Court in December, 1954, on the grounds of "lack of evidence."²²

There have also been groups, other than political parties, in Italy possessing devious ideological sympathies for the previous regime. There has been, too, the infiltration into the political parties by former well-known Fascists. But the most significant development has involved the steady evolution of the Italian Social Movement (MSI) since it appeared on the political party scene in Italy. Preceded by the nebulous Common Man Front (*Uomo Qualunque*) which had at best only a negative and potentially fascist program, the MSI polled around two per cent of the popular vote in the national election of 1948 and a little under six per cent in that of 1953. Its vote of 1,580,385 in 1953 was not overly impressive, being exceeded by that of the other rightist party, the Monarchists. Including membership ranging from teen-agers who have retained the memories of postwar privation to hardened veterans of Mussolini's ill-fated Republic of Salò, its chief feeding grounds have been the frustrations of members of the lower and upper bourgeoisie, especially in the South. Its unpredictable "heroes" and also its "martyrs" have been in the past the late Marshall Graziani and Prince Borghese; its direction has largely come from its past Secretary and recently elected President, Augusto De Marsanich, a former Salò Republic official. Its authoritarianism, its elitism, its nationalism (especially directed against the EDC and Atlantic Pact), its anti-communism, its gestures toward anti-semitism, its distrust of parliamentary government (apparently to be replaced by a government of technicians), and its cautious reflection of the trappings of the Fascist regime²³ have made it easily the most dis-

²¹ Hans Jaeger, "Neo-Faschismus in Deutschland," *Deutsche Rundschau*, Vol. 79, pp. 139 ff. (Feb., 1953).

²² The Naumann group was originally also accused of contacts with Communists in the East. One journalist, after reflecting on the Naumann episode, has correctly observed: "the apparent vitality of the Neo-Nazis in Germany is highly deceptive." It was actually "their very weakness, as evidenced by last year's Bundestag elections," he maintained, that encouraged contacts with the Communists. Edmond Taylor, "Germany: Where Fascism and Communism Meet," *Reporter*, April 13, 1954, pp. 10 ff.

²³ See Mario Rossi, "Neo-Fascism in Italy," *Virginia Quarterly Review*, Vol. 29, pp. 505 ff. (Autumn, 1953).

tinctive fascist party in existence today in either Western Germany or Italy.

Including some membership more sympathetic to the monarchist traditions than to the fascist precedents, more conservative and also reactionary in outlook, more concerned with the economic interests of the large land owner, and less revolutionary in their attitude toward existing institutions, is one wing of the Monarchist party, heavily supported for historical and other special reasons in the economically depressed South. In 1953, the Monarchists, now split into two factions,²⁴ received 40 seats in the Italian Chamber of Deputies, as compared to 29 for the MSI, out of a total of 587 members. One ultra-nationalist and anti-parliamentary wing has shown a greater willingness than the other to collaborate with the MSI, and some moves for joint action, or at least closer voting collaboration in Parliament, have been reported.

Despite the repeated prophesies about Italy's "drift to the left" since the June, 1953 national election, when over 35 per cent of the voters cast their ballots for the Communists or Nenni Socialists, De Gasperi not long before his death felt that there was more possibility of a coalition government of the Right in which MSI fascist influences would be marked than a government of the Left—that is, if these were the only two choices.²⁵ But the resignation of Gedda as head of the Catholic Action, the steady rise of Fanfani and his allies in the left wing of the Christian Democratic party, and the significant Ministries held by the Saragat Socialists in the present Scelba government all point increasingly to a parliamentary fulcrum moving toward the non-communist Center and Left. Here, the blandishments of the Nenni Socialists may offer continuing temptations to coalition—at least to those who can forget the realities of the Communist control of this party.

IV

For the time being there are a number of special buffers to the rise and success of a neo-fascist party or movement in either Germany or Italy. To mention first the most obvious one, neither in Fascist Italy nor in Fascist Germany was there agreement among the faithful at the end as to the successor for the departed leaders. Indeed the problem of succession was never very seriously considered in either country, despite passing arrangements and gestures made to provide for such an eventuality. Hence, at least to the extent that ties with previous fascist regimes might provide some basis of "legitimacy" for a new leader, there are ample opportunities for conflict among rival claimants or prophets. The presence of foreign troops in Western Germany, still formally an occupied country, coupled with the continuing legal prohibitions by the occupying powers against fascist formations or movements, is of significance.

²⁴ The significance of this split may be seen in the voting behavior of the Monarchists in the Chamber of Deputies, when the Scelba Government was given a vote of confidence by a vote of 295-265 on the Trieste settlement. *New York Times*, Oct. 20, 1954, p. 1. For the action of the Monarchists on an earlier vote of confidence in the Senate, see *La Stampa* (Turin), Oct. 9, 1954, p. 1.

²⁵ Note the comments of C. L. Sulzberger in the *New York Times*, March 15, 1954, pp. 1 *et seq.*

The use of Italian naval bases by American naval units, the presence of British and Italian troops until recently in Trieste, and extensive American economic aid have all been either directly or indirectly designed to support the center political parties and their foreign and domestic policies. Such evidences of foreign support have probably encouraged the authorities from these center parties in enforcing provisions of their Constitutions directed against organizations or movements which aim at the subversion of the constitutional order.²⁶

Despite the discouraging failure of the average German or Italian to appreciate the immoral aspects of their respective fascist regimes, political developments culminating in the framing of their present Constitutions have been marked by a strong aversion toward the fascist regimes of the immediate past. The percentage of the popular vote secured by the two major parties in Germany in 1949 and 1953 indicates the continued appeal in Germany of the moderate parties. The stability through the second half of 1954 of the center coalition in Italy, despite internal tensions and its slender majority in both houses of Parliament since the national election in June, 1953,²⁷ avoids, at least for the time, the necessity of political concessions to parties of either the Right or Left to maintain parliamentary majorities.

And the youth, especially in Germany, may, despite its deeply skeptical attitudes, prove to be a moderating force. In the improbable event that a functioning Western European Union might capture their imagination, as did the EDC, it could furnish some answer to the deep and unrequited urge for a greater European integration and unification. It would thereby provide some antidote for a fascist appeal to their nationalism. In this connection we may point to a surprising and possibly significant voting phenomenon in Germany. It was the young voters under the age of 30 who provided the most middle-of-the-road voting behavior in the election of September 6, 1953 (however, they also have a record of relatively lower voting participation than other age groups of voters). The male voters between the ages of 40-60, be it noted by way of comparison, furnished proportionately to numbers the largest percentage of votes for the parties of the extreme Left and Right.²⁸ But it is still much easier to probe the aversions of these youth than to appraise their positive loyalties.

²⁶ Note, in the Basic Law of the Federal Republic, Art. 9, prohibiting "associations directed against the constitutional order" and Art. 21, which confers on the Federal Constitutional Court the power to dissolve parties which "jeopardize the existence of the Federal Republic."

²⁷ The regional election in Val d'Aosta in November, 1954, resulted in a surprising victory for the Christian Democrats, *La Stampa* (Turin), Nov. 16, 1954, p. 1.

²⁸ For these unusual statistics on the elections of 1953, making possible these general comparisons, see *Wirtschaft und Statistik*, Vol. 6, pp. 9-13 (Jan., 1954). Passing comments on the voting behavior of Italian youth between the ages of 21-24 for the two chambers of the Italian Parliament may be found in Joseph La Palombara, "The Italian Elections and the Problem of Representation," this REVIEW, Vol. 47, pp. 676-703 (Sept., 1953). According to data furnished by Professor Ithiel de Sola Pool, a poll taken in Italy on the eve of the election of 1953 indicated that the youth in Italy was percentagewise much less "middle-of-the-road" in its voting behavior than in Germany.

In short, there are today certainly several buffers to the extreme appeals of a neo-fascist revival in Germany. But the significance of these buffers in the long run, as distinguished from the short range, must necessarily take into account any number of possible eventualities in the period ahead. These eventualities could work quite differently in Italy and Western Germany. A world war, or even an intensification of the present Cold War, would change the picture in unpredictable directions. And attempts to unify Germany by force would probably result in a new world war. At the same time, the failure to realize the unquenchable drive for German unification can also lead to an unpredictable choice of political alternatives in the long run. Of these, neo-fascism would appear to be one alternative. An economic depression, similarly, would have unforeseen consequences. The history of Germany between the two World Wars offers effective testimony. A formal split in the already ideologically divided Christian Democratic parties in Italy, with De Gasperi gone, and in Germany, after Adenauer has bowed out, might well create a gulf between Left and Right. Such a gulf might encourage the hopes of those groups of the Right to whom nationalism is a religion and furnish the background for some nationalist oriented political system, whether fascist or not. Above all the sudden arousal of fears of a *coup d'état* by the Communists in Italy might increase the chances of some extremist nationalist and rightist resurgence, including a neo-fascist revival.²⁹ But, today, neo-fascism is not a seriously considered alternative in Western Germany nor an immediate threat in Italy.

²⁹ "We have decided," said one "prominent Italian" recently to Walter Lippmann in Rome, "not to surrender the state to the Communists, not to allow them to take power even if circumstances were to give them the legal votes." *Durham Morning Herald*, Oct. 23, 1954, p. 4. Cf. Joseph G. La Palombara, "Left-Wing Trade Unionism: The Matrix of Communist Power in Italy," *Western Political Quarterly*, Vol. 7, pp. 202-26, at pp. 202-4 (June, 1954).

TREASURY CONTROL: THE COORDINATION OF FINANCIAL POLICY IN GREAT BRITAIN

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Any account of British government will lay stress on the power and importance of the Treasury. But although the parliamentary side of British finance has been fully described in various works, very little has been written about what goes on in this field within the administration and in particular about the operations of the Treasury. What precisely does the Treasury do and how does it do it?

The typical business of the Treasury is the control of certain activities of other departments. It is, in the words of one of its former high officials, "the traditional coordinating department." That does not mean that the Treasury coördinates the whole of Government policy. No single staff agency in British administration can claim so large a duty, unless we take in earnest those civil servants who lump together as one entity the Treasury, the Lord President's Office, and the Cabinet Office under the irreverent title of "The Great George Street Front." Through the Treasury, however, various large aspects of policy are concerted and controlled, and by a study of its operations we may get some idea of how the business of coördination is carried on under Britain's peculiar plural executive.

This article will be concerned with the control of expenditure, a part of the Treasury's business which is conducted by the Supply divisions. One purpose of that control is, of course, "prudent housekeeping," the promotion of economy and efficiency. Its principal purpose, however, is the coordination of financial policy.

Before turning to this subject, we need very briefly to sketch the position of the Supply divisions in the organization of the Treasury as a whole. Under the Chancellor of the Exchequer and his two ministerial assistants, the Financial and the Economic Secretaries, the head of the Treasury is its Permanent Secretary, who also enjoys the title of "Official Head of the Civil Service," as well as a salary rather larger than that of other Permanent Secretaries. In comparison with other departments, the organization which he heads is small, including some 1500 persons, of whom about 200 are members of the Administrative Class. Under the Permanent Secretary, who has the assistance of several Second and Third Secretaries, Treasury business is conducted by five groups of divisions: Supply, Establishments, Home Finance, Overseas Finance, and Economic Affairs. The work of Supply is carried on by seven divisions, each headed by an Under Secretary or Assistant Secretary and dealing with a group of departments administering similar or closely allied services. The Establishments divisions have control over numbers and grades employed in departments and over conditions of service throughout the Civil Service; they also include

Organization and Methods divisions which are concerned with administrative management. Home Finance handles the technical and executive work connected with preparing the Chancellor's revenue proposals and the Finance Bill and advises on the most appropriate method of financing in line with the Government's general economic and financial policy. Overseas Finance, which has grown immensely in recent years until today it consists of ten divisions, deals with economic and financial relations with other countries, its central problem being the balance of payments. Economic Affairs, the most recent addition, assists in the coordination of economic policy, and its machinery includes the Central Economic Planning Staff and the Economic Section, formerly attached to the Cabinet office.

I

Purposes of Treasury Control. When it is said that the task of the Supply divisions is the coördination of financial policy, a good deal more is meant than merely the prevention of overlapping and inconsistency. Their task is so to control prospective expenditure as to achieve a balance in the programs financed by that expenditure; or, in the words of R. G. Hawtrey, "to secure a uniform standard in the measurement of the financial sacrifice involved in the activities of all departments."¹ Strictly, the criterion of balance would be satisfied only when expenditures were so distributed that the last pound spent on each program produced the same amount of public good. In practice, it means that expenditure should not be extravagant in one sphere and parsimonious in another. Before it can be applied in making decisions, it must also be informed by more concrete notions of policy, a set of priorities in terms of which services can be judged more or less necessary. In British government the duty of fixing these priorities is vested in the Cabinet. Not the least service of a staff agency like the Treasury is that it brings together and presents for ministerial decision the questions that will elicit the statement of such a set of priorities. Supply thus has a role in the making as well as the execution of financial policy.

A government's financial policy has other aspects than that of balance among programs of expenditure. The utilities and disutilities of expenditure and taxation must be weighed against one another. So also must the values of different kinds of taxation and borrowing. And in Britain today, the general economic policy of the Government must also be considered when financial policy is determined. With these aspects of financial policy other parts of the Treasury—in particular Home Finance, Overseas Finance, and Economic Affairs—are primarily concerned. But Supply officials are also aware of them and their hand in dealing with departmental expenditure is strengthened and guided by their knowledge of financial policy as a whole.²

¹ R. G. Hawtrey, *The Exchequer and the Control of Expenditure* (London, 1921), pp. 28-29.

² Not only are the Supply divisions kept informed of general economic and financial policy, but also very recently they have been given the task of criticizing investment programs in the public sector of the economy, a duty formerly performed in the Economic Affairs side of the Treasury. This has meant that a principal aspect of economic coordina-

Where does economy stand among the purposes of Treasury control? In one sense it is secondary: the main concern of Supply is not merely cutting costs and saving money. In a larger sense, however, economy is inseparable from the function of coordination. So to criticize expenditure as to make it possible to provide the same service at a lower cost will reflect policy—whether the Gladstonian policy of leaving as much money as possible in private pockets, or the Crippsian policy of producing a budgetary surplus. And to prevent extravagance in one sphere in order to have more funds available for pressing needs elsewhere follows from the attempt to balance expenditure. So understood, economy, now as in the past, is a principal purpose of Treasury control and is enforced by means of both the annual review of the estimates and the routine, day-to-day relations of Supply divisions and departments.³

"Day-to-Day" Control. If these are the purposes of the control exercised by Supply, what is the scope of its powers and how does it go about exercising them? Its control does not consist solely of the review of the annual estimates, nor does it imply anything resembling a comptroller's function. It is primarily a matter of what in Treasury usage is called "week-to-week" or even "day-to-day" control. Briefly, it is a power obliging departments to obtain Treasury approval of any variation in departmental activity which has a financial aspect.

Approval may be expressed in a specific sanction of a particular service or activity. It may also take the form of a general delegation, as when, for instance, the Treasury delegates to departments concerned with defense expenditure the authority to incur expenditure for new works, without seeking specific Treasury sanction, so long as the cost of any single project is not more than a specified amount. However approval may be expressed, it remains that no activity involving expenditure in the near or in the distant future can be undertaken by a department unless that activity has Treasury approval, and normally before the planning of any new activity has progressed very far Supply will have been consulted and its view obtained.

This power of "day-to-day" control has no specific statutory basis. Like much else in the ancient frame of British government, it is founded not on formal law, but on tradition and long acceptance. Nor is the statute book of

tion—the control of public investment—has been tied in more closely with the traditional work of financial control. Approval of investment programs on the official level is now given by the same persons who grant financial approval.

³ Outside the Treasury, but closely related to it, are other arrangements designed to promote economy. By a major reform of the interwar years, the Permanent Secretary of each department was made also its Accounting Officer. It is he, therefore, who answers for the department before the Public Accounts Committee and on him at the official level rests the undivided responsibility for both policy and the financial results of policy. A further barrier to extravagance is the annual audit of appropriation accounts, which is concerned with economy as well as regularity and which, although performed in the name of the House of Commons, is so tied in with the Treasury as to bolster its housekeeping control. Economy is also a main concern of the House of Commons Select Committee on Estimates, which after a record of only modest achievement in earlier years has recently earned a very considerable reputation. See Basil Chubb, *The Control of Public Expenditure: Financial Committees of the House of Commons* (Oxford, 1952).

much help in defining its scope. One indication can be found in the Exchequer and Audit Departments Act of 1866, a product of the great period of Gladstonian financial reform. This act, as amended, states that whenever the Comptroller and Auditor General "shall be required by the Treasury to ascertain whether any expenditure included in an appropriation account is supported by the authority of the Treasury, the Comptroller and Auditor General shall examine such expenditure with that object," and provides that if the Treasury does not see fit to sanction such "unauthorized expenditure" as may be found, the expenditure "shall be regarded as being not properly chargeable to a Parliamentary grant."⁴ The Act does not create Treasury control, but assumes that it exists as a plenary power to control *all* expenditure. The Treasury has not, however, chosen to exercise this power to the full. Dating from 1868, the principal Minute defining the scope of the power which the Treasury will exercise states that "My Lords" consider that prior Treasury approval "should be required for any increase of establishment, of salary, or of cost of a service, or for any additional works or new services which have not been specially provided for in the grants of Parliament."⁵ Quite inconsistent with this definition is a later authoritative description in a Treasury minute of 1914 stating "the general practice of the Treasury" as being "to require Treasury sanction for all expenditure" except for "particular categories of expenditure of a special character."⁶ The fact of the matter, well understood in the Treasury and in departments, is that, while the Supply divisions will center their attention largely on proposed new services, recurrent services and expenditures drop out of their control only as the Treasury permits them to.

Precisely what types of proposal do or do not require prior approval? The criteria have never been codified. Later minutes and letters have done much to define the terms of the minute of 1868 and the extent to which departments may incur expenditure without prior approval. The substance of the principal instructions can be found in the *Epitome* of the reports of the Public Accounts Committee which is compiled at infrequent intervals. To the *Epitome* Treasury officials, when dealing with questions raised before the Public Accounts Committee, may refer for authoritative guidance. Otherwise, however, it is not much used and generally in day-to-day administration there is relatively little reliance on any formal instructions or written source as governing the relations of departments and Supply divisions. A departmental finance officer, for example, may refer to the phrases of the minute of 1868 and may be guided by a "rude letter" written to him or a predecessor by Their Lordships on some occasion when the department had offended. But he acknowledges the authority of such explicit propositions as part of a context which contains many

⁴ Sect. 1 (3), c. 52, 11 and 12 Geo. 5, *The Statutes, Third Revised Edition*, Vol. XVI, 1918-1921 (London, 1950). The original language of the Act of 1866, which is not materially different, can be found in *The Statutes of the United Kingdom of Great Britain and Ireland*, ed. George Kettlby Rickards (London, 1866), Vol. 27, pp. 424 ff.

⁵ *Epitome of the Reports from the Committees of Public Accounts, 1857-1937 (Parliamentary Papers, 1937-38, Vol. 22)*, pp. 20-21.

⁶ *Epitome* (Treasury Minute, 8 December 1914, par. 7), p. 565.

unwritten and even unspoken elements. The operative principles are more like standards of professional conduct than formal rules of law.

It all sounds very British: the avoidance of definite rules, the reliance on tradition and "common sense." But does this not leave the whole matter much too vague for successful administration? One test is the opinion of these who are subject to the Treasury's power, the departmental officials. And they, while not without complaints against the Treasury, do not make unpredictability or the vagueness of its requirements one of them. The fact is that to attempt to codify such a subtle complex of administrative practice as Treasury control would very probably gravely distort it. Precisely for reasons of smooth and predictable administration, it may be best to rely—in the manner of the common law—upon tradition and common understanding rather than codification.

Criticism of New Legislation and Policy. The requirement of prior approval is the principal foundation of the Treasury's power to coordinate financial policy. Given Cabinet policy, the Treasury's position in bringing balance into government programs through its criticism of departmental expenditure is unassailable—assuming, of course, that Treasury officials understand that policy as do ministers and that ministers cannot be prevailed upon to reverse themselves. But Cabinet policy, of course, is not always "given." It is continually being formed, modified, and extended, even when its main lines are held constant over a period. In this there is a potential threat to Treasury control. Suppose, for instance, that a Minister sets his heart strongly on some scheme which he has good reason to suspect the Treasury would reject as being out of line with Government policy. He therefore takes his proposal straight to the Cabinet, where it may be accepted, perhaps without thorough examination of its relation to existing policy. If so, the Treasury will have been bypassed and will be obliged to approve any new services involved by the scheme. In the actual world of administration the Treasury's power to require prior approval would be gravely impaired if it did not also firmly possess the further right to criticize proposals of new policy before they reach the Cabinet level.

The Chancellor's constitutional responsibility for finance should in itself suffice to ensure that the Treasury had this opportunity. He should be able, that is, to delay a decision by the Cabinet until his officials have prepared a brief. From the nature of day-to-day Treasury control, it also follows that ordinarily a proposal involving expenditure will have been discussed between the Treasury and the department at a very early stage. Reinforcing these means of protection, however, are formal rules providing that ordinarily no proposal may be put on the Cabinet agenda unless a memorandum setting out its terms has been previously circulated to members of the Cabinet and that if the proposal involves expenditure, it may not be circulated until the consent of the Chancellor has been obtained to its circulation.⁷ The purpose is not to give the Chancellor a veto over what measures may be brought before the Cabinet—given the nature of the Cabinet, he could not maintain the power even if he

⁷ Sir W. Ivor Jennings, *Cabinet Government*, 2nd ed. (Cambridge [Eng.], 1951), pp. 139, 228–29.

were formally vested with it. The purpose is rather to ensure that there has been proper examination by officials of the departments concerned before the questions are put to ministers for decision, and one effect is to ensure that Supply has the opportunity to point out the financial consequences, as well as possible conflicts with other existing policies or activities.

Supported by these sanctions—the requirement of prior approval and the opportunity to criticize proposed new legislation and policy which involve public expenditure—the business of control goes on continuously throughout the year. Suppose that a department seeks approval for some scheme—for example, the repair or construction of a bridge; the drainage of certain agricultural land in the Highlands; a subsidy for experimental types of civilian aircraft or to a hotel owner with plans for attracting dollar tourists; the bulk purchase of the West African cocoa crop; a plan to provide soldiers on leave with cheap motor-ing. A request for approval may be initiated in a personal letter from the departmental officer concerned to the head of the appropriate Supply division, from whom, when a decision has been reached, a letter of approval constitutes evidence of Treasury sanction. Before the initiating letter is dispatched, however, there will probably have been much consultation. And in most matters of daily concern, the discussions will have been conducted and the decision made by one of the Principals in the division. In the great mass of cases, approval is given without difficulty. Sometimes, however, there is a negative reply from the Treasury and occasionally a “row,” when the question will be referred on up the lines of hierarchy in the Treasury and the department; the ultimate arbiter being, of course, the Cabinet.⁸

Through decisions made at the ministerial level by the Cabinet or Cabinet committees, officials are continuously kept informed of Government policy. There are other means by which officials keep in touch with policy—for example, the Chancellor's Budget Speech, the *Economic Survey*, White Papers (such as those on the defense program), and in general, ministerial statements of policy in Parliament. If, however, one asks officials how they know what Government policy is, the main stress of the replies will be on the decisions made or confirmed as “papers pass up and down” the Treasury hierarchy.

II

Priorities in Defense and Civil Expenditure. In American government, there is nothing really comparable to the most important form of Treasury control, the requirement of prior approval. Treasury criticism of proposals of new legislation bears some likeness to the work of legislative reference performed by

⁸ In the United States there is of course a good deal of informal consultation throughout the year between the Budget Bureau and departments. Like the process of granting prior approval in Britain these consultations greatly facilitate the annual review of estimates. The important difference, however, needs to be emphasized. Informal as the consultations may be which lead to prior approval in Britain, it is of the essence that they culminate in a formal sanction, a letter stating that approval has been given, which the Comptroller and Auditor General under the terms of the Act of 1866 will require the department to possess.

the Bureau of the Budget, while in the United States, as in Britain, the review of the estimates, although quite differently conducted, is a means of coordinating policy as well as enforcing economy. Also, in the United States, before calling for departmental estimates, the Bureau of the Budget makes a "pre-view" of expenditure and revenue which leads to the setting of tentative ceilings on certain types of expenditure by presidential authority. Rather similarly in Britain, the Chancellor, after consultation with the ministers concerned, indicates, in advance of the review of estimates, the relative priorities which he proposes for different sections of government expenditure.

As in the United States, the principal example is defense expenditure. The departments concerned are the three service ministries, the Ministry of Defense, and the Ministry of Supply, a substantial part of whose expenditure is reckoned as defense expenditure. Over much of the expenditure of these departments, the Defense (*Matériel*) division of the Treasury exercises the usual form of "day-to-day" control. Throughout the year, many proposals involving new works, or new services of production or of research and development are submitted to it for prior approval and the usual give and take occurs between Supply and departmental officials. A great deal of new defense expenditure may be included in the estimates, however, which has not been so criticized and controlled. This figure will depend upon the total provision for defense annually agreed on by the Chancellor and the Minister of Defense and Service ministers. Upon the Minister of Defense falls the burden of allocating this provision among the Services, although, of course, the implications of that allocation are bound themselves to enter into consideration when the total figure for defense is being discussed.

It results from this procedure that the Services and the Ministry of Supply will put together for presentation to Parliament estimates which will include projects which have not yet been fully worked out or submitted to Treasury criticism. That criticism will, however, take place, for, even after the estimates have gone to Parliament, the defense departments will, as their plans for these projects develop, submit them to the Treasury, whose aim, however, will be not so much to reduce total expenditure as to get the best value for a sum already agreed upon.

As the form of the procedure indicates, the criticism of defense expenditure is more difficult than that of civil expenditure, and many decisions, which in the latter sphere would emerge from the business of "day-to-day" control, in the former follow from the comprehensive decision on the total provision for defense. Such a decision must be ministerial, flowing in the main from the Government's estimate of the strategic situation and the danger of war. In the discussions from which these decisions emerge, the Chancellor will, of course, take his part, arguing primarily from the economic implications of a given level of defense expenditure, i.e., its bearing on inflation, the balance of payments, particular sections of the export industries, and so on. But there is nothing to prevent him from plunging into the discussion of the largest strategic questions and, if recent Chancellors have behaved as did their predecessors, they have

not been reticent to urge their views on these matters as well as finance and economics.

The procedure adopted in respect of defense expenditure applies also, though in more general terms, to civil expenditure. Here too, the Chancellor's daily contacts with his colleagues will have provided him with a view of the financial provisions which they are likely to need in the following year, and he will be able to indicate, at a relatively early stage in the annual formulation of financial policy, how far he considers such expenditure to be feasible, having regard to the condition of the economy and the importance of balance among various categories of expenditure. He must attempt, for example, to weigh the claims of the National Health Service against the needs of agriculture, to measure the demands of education against the appeal for better roads and a more expansive policy for civil aviation. He must endeavor to help both his colleagues and his own officials by suggesting an equitable balance between these conflicting interests, and the proportions in which, in his view, they would most fairly share among themselves the limited sum of expenditure which can be tolerated. The need as well as the difficulty of maintaining such a general control over expenditure was sharply illustrated during the early days of the Health Service, when actual expenditure continued to soar well beyond original and revised expectations. As a result, in March, 1950, Sir Stafford Cripps, although in the midst of his austerity drive and after having in his Budget Speech of the previous year assured the House that there would be no more supplementaries of this kind, was obliged to present and defend a supplementary estimate of 98 million pounds for the Health Service.⁹

While it is the responsibility of the Chancellor to indicate such priorities in civil expenditure, by the nature of Cabinet government his decision cannot be final and beyond all appeal. If other ministers disagree, it is always open to them to appeal the question to the Cabinet where a trial of strength with the Chancellor will take place, its outcome being determined by personal and political factors as well as the institutional authority of the various combatants. With regard to defense expenditure, such disagreements and consequent struggles within the Cabinet occurred before both world wars. In recent years, however, decisions have been more easily arrived at, opinion with regard to defense policy among officials as well as ministers having moved very much in unison. A principal exception, of course, would be the conflict which led to the resignation of Mr. Bevan in 1951. In this instance, however, unlike the others, it was not the Chancellor who was resisting a higher defense expenditure, but another minister. And indeed, the principal question at the time of the resignation, it appears, was not defense expenditure, but the provision to be made for the Health Service. Against the Chancellor, Mr. Gaitskell, and his idea of what that provision should be, Mr. Bevan failed to carry the Cabinet and chose resignation rather than acceptance of the final decision.

May we regard this business of fixing priorities for certain broad types of

⁹ H. C. Deb., 5th ser., vol. 472, cols. 916 ff. (14 March 1950).

expenditure as a form of Treasury control? It involves decisions by ministers, perhaps even by the Cabinet. But so may the issues raised by the business of "day-to-day" control. The interesting question is how far the Treasury—ministers as well as officials—can be guided by the notion of "balance" in making or recommending decisions. Is it possible to weigh rationally the claims of such expenditure against other competing claims? The difficulties are obvious. Is not the "value" of national defense infinite? How can any other service, private or public, compare with the need for survival? And almost as inestimable is the value of the health program: does it not save lives?

These questions raise nice problems in the logic of choice. But whether or not there is, strictly speaking, a rational way of making such decisions, the Treasury does try to achieve a balance with regard to these sorts of expenditure as well as others. After the outbreak of the Korean War, for instance, it was generally agreed among officials and ministers that the danger of world war within a year or two was greatly heightened. The defense program therefore was reassessed and the economic planners were asked to estimate in the light of its probable impact on the balance of payments and certain other assumptions, such as the expected level of American aid, what was the maximum defense expenditure that the economy could bear. From these calculations issued the increases in the defense program leading to the three year program announced in February of the following year. The general pattern of expenditure resulting from this readjustment of priorities did in a real sense reflect an effort to weigh the value of defense against other national needs.

Annual Review of Estimates. Within the general framework of this assessment of priorities as between the main classes of expenditure, the more detailed pattern of expenditure, new and old, is determined mainly by means of the annual review of the estimates. This is "the time"—in the words of a Chancellor—"when the expenditure of the Departments and the numbers of their staffs are examined as a whole."¹⁰ Early in October the Treasury sends out a circular to the civil departments asking them to send in their estimates for the following year by the beginning of December. Received in the Treasury, these estimates are forwarded to the appropriate divisions where review is conducted, not as in the United States, at hearings before which departments appear, but within the divisions, which consult with departments as they find it necessary. After review, the estimates, bearing recommendations of approval either at the stated figure or with modifications, are submitted to Treasury ministers. In February and March they are published and presented to the House of Commons by the Financial Secretary. Estimates for the fighting services must also be approved by the Treasury. They do not, however, receive so close a scrutiny and, reflecting this fact, their presentation to the House is made by the departmental ministers concerned.

The whole business of compiling and reviewing the estimates is done far more quickly than in the United States. Here the call for departmental estimates

¹⁰ H. C. Deb., 5th ser., vol. 493, col. 202 (7 Nov. 1951).

goes out in June, twelve months before the beginning of the financial year with which they are concerned. In September they are received by the Budget Bureau, where they are reviewed and from which they are sent to Congress four months later. In Britain estimates are formally asked for some six months before the start of the financial year, departments taking some two months to get them to the Treasury, which devotes about the same length of time to their review.

Not only is the business got through quickly, it also is done by a staff which, as compared with the massed ranks of accountants, statisticians, and professional budget examiners in our Bureau of the Budget, seems amateur and small. Amateur the officials of Supply are, in the sense that most of them are members of the Administrative Class, lacking specialized training in economics, accountancy, public administration, or similar subjects and looking forward to a career which may well take them into other departments. Faithful to the orthodoxy of the British Civil Service, however, they hold that their varied experience in government is to be preferred to expert knowledge. An indication of the numbers involved is given by the Trade and Industry division which handles all supply questions of three of the larger and more important departments—the Board of Trade, the Ministry of Fuel and Power, and the Ministry of Transport and Civil Aviation—as well as the civil side of the Ministry of Supply. Its complement consists of one Assistant Secretary, two Principals, one Temporary Administrative Assistant, one Executive Officer and a clerical section of two or three. The total working force of the Supply Divisions—which conduct the year-round business of “day-to-day” control as well as the review of estimates—numbers around fifty, exclusive of clerical staff. Before the reorganization of 1952, we may note for the sake of a rough comparison, the Estimates division of the Budget Bureau had a staff of some 150, excluding secretaries and secretarial help.

III

The estimates are primarily a means of providing Parliament with an opportunity for the control of Government expenditure. The freedom of action which they leave to the executive, however, is very great—much greater than that enjoyed by the American executive. Against the misuse of these wide powers, Treasury control is a major safeguard, providing a complement or balance on the administrative plane to the powerful position of the executive under Cabinet Government. Three questions will help bring out this function of Treasury control: What is the bearing of prior approval upon the estimates? How strictly do the estimates bind the executive? Under what parliamentary limitations may the executive incur liabilities committing it to future expenditure?

Prior Approval and the Estimates. The answer to the first question will again emphasize the large powers of the Treasury over all departmental activities so far as they involve expenditure in the present or the future. In part these powers may be expressed through Treasury control of the estimates. That a

proposal has been sanctioned by the Treasury in the course of its "day-to-day" control, does not entail automatic approval at the time of the annual review of the estimates. Nor does approval of an estimate dispense with the requirement of prior approval, which remains the most important single form of Treasury control. By Treasury instruction, supported by the Act of 1866, that sanction must be given separately and no new service may be included in the estimates submitted by a department to Supply unless prior approval has been granted, or in case of urgency, unless concurrently Treasury authority is applied for.

In exercising its power to require prior approval the Treasury will demand far more detailed information about proposed expenditure than is given in the estimates. What is more important, this control also extends into the future. While the estimates cover only expenditure which will be incurred during the coming financial year, prior approval must be obtained for proposals although they involve expenditure only in later years. Before it incurs liabilities, as well as before it incurs expenditure, a department must obtain Treasury sanction. This power, going well beyond that expressed in the review of the estimates, is indispensable to the orderly exercise of the executive's wide powers in the sphere of expenditure.

The Estimates as Limits on the Executive. How far are these powers of the executive limited by the estimates? How strictly do the estimates bind the Government and the Treasury once they have been sanctioned by Supply and voted by Parliament? If we ask these questions of American government, we raise an ancient and stubborn problem of the Federal budgeting process. This is the problem of the specific appropriation, stating in detail the objects for which money may be spent, or what comes to the same thing, the presentation to appropriations sub-committees of detailed estimates informally but effectively committing the agency to a specific program of expenditure of lump-sum appropriations. Does a similar problem arise in Britain?

Certainly the estimates as submitted to Parliament go into considerable detail. Those for the fighting services consist of some 34 Votes—about the same in number as the appropriations of our Defense Department—those for the civil services of 150 or so Votes, in each set the Votes being further subdivided into subheads and items, the latter sometimes including two degrees of detail. The subheads setting out salaries for personal services are as minutely specific as the comparable headings in American budgets before 1950, while "Works in Progress" are described down to the name and location and cost of each project—a temporary garage and workshop at a postoffice in Hull, the adaptation of a building to provide office accommodation in Hereford.¹¹

What other information does Parliament receive concerning the expenditure

¹¹ Each estimate is divided into three parts: Part I, which alone is reproduced in the Appropriation Act, provides the statutory description of the purpose for which the supply requested in the estimates is ultimately granted. Part II shows the subheads under which the Treasury, acting under Section 23 of the Exchequer and Audit Departments Act, 1866, requires departments to account for expenditure. Part III gives further details for the information of Parliament.

proposed in the estimates? While it does not receive "justifications" explaining the estimates in detail as do American appropriations committees, certain explanatory documents are submitted. There is a memorandum on the civil estimates, running to perhaps a hundred pages—not, however, a very informative document—and separate and rather more detailed memoranda from each of the fighting service departments. A financial statement consisting of tables relating to revenue, expenditure, the national debt, etc., is submitted when the Chancellor makes his Budget Speech, in which he expounds his general financial policy at the start of a debate of several days' length. During the debates on the estimates, the more particular policies of departments provide the subjects, but not all departments and only a fraction of all programs are considered. Certain estimates are examined intensively by the House of Commons Select Committee on Estimates; it is concerned not with policy, however, but with economy and administrative management and its reports are made too late in the session to influence the estimates of the current year. In general, while Parliament is well-informed about policy, it lacks the full and detailed information relating to proposed expenditure which is normally made available to American appropriations committees. British parliamentary procedure does not provide for the kind of thorough examination of both policy and management that may be made at hearings before these committees. Lacking also is the opportunity, which these hearings present, for legislators to induce officials informally to commit their agencies to specific items and patterns of expenditure.

This does not mean, however, that the British executive is free to spend funds as it likes, subject only to the limitations imposed by the acts appropriating them. In Britain, as in the United States, appropriation acts omit much of the detail included in the statements of estimates submitted to the legislature. The annual Appropriation Act enumerates only the Votes and the Classes in which, in the case of the civil estimates, the Votes are grouped. Legally, therefore, the executive is not bound by the subheads and items of the original estimates, although, since the "ambit" of each Vote is delimited in the Act, expenditure cannot be shifted from one Vote to another. The Treasury insists on its power—again a traditional not a statutory power—to authorize deviations from the subheads of an estimate in order that savings on one subhead may be used to cover excesses on another. It is, however, a settled understanding—an informal commitment of the Treasury to the Parliament—that this power will be exercised only in certain cases. What are these cases? The Treasury deprecates "too precise a definition in general terms." But it has told departments that savings on subheads which are largely unrelated to the general run of the Vote will not be regarded as available to meet excesses elsewhere on the Vote and has undertaken to bear in mind the view of the Public Accounts Committee that "services which are large or novel or contentious or which, while small at the outset, involve heavy liabilities in future years, ought not, save in very exceptional circumstances, to be undertaken without the previous authority of Parliament."¹²

¹² Pp. 620 ff. *Epitome*, Treasury Minute 24 November 1921 on 3rd Report, PAC, 1921 (H. C. 212).

In the case of the fighting services, where accurate estimation is particularly hard and the need for flexibility great, a special degree of freedom is allowed. While the departments concerned, and the Treasury as well, are bound by the terms of the Votes included in the civil estimates, a service department may go beyond the terms of its Votes, transferring surpluses from one to another. It can, however, do this only with Treasury approval and since such a transfer would otherwise contravene the terms of the Appropriation Act, that Act annually grants this power to the Treasury, requiring that such transfers be reported to Parliament and receive subsequent Parliamentary sanction, regularly given in a later Appropriation Act.

This power of authorizing transfers between subheads or between Service Votes—the power of virement—the Treasury retains as an element of its control. To the departments on their own authority are left transfers from one item to another. Considering the breadth of some of the subheads, this may seem a considerable power. But where a subhead contains a large sum, it is usually all allocated to one specific type of payment. Where a subhead contains a multiplicity of items, either the total sum is small, or the items themselves are statutory payments not easily variable by the department, or they reflect types of expenditure which are understood to be subject to the requirement of prior Treasury approval even though the scales of payment themselves are not actually controlled by the Treasury. Nor does the system of transfers relieve departments of the need to take pains to be as accurate as possible in programming expenditure. The appropriation accounts, in which departments account for expenditure under subheads as well as Votes, will reveal over- or under-estimation, which may subject responsible officials to criticism by the Treasury and the Public Accounts Committee.

Like the American, the British executive is informally restricted within limits far narrower than the terms of the appropriation acts. These limits, however, are not set, as may be the case in the United States, by commitments to specific expenditures arising from particular understandings with individual legislators and legislative committees. While not entirely precise, the limits on the British executive are set by an accepted general rule and within them the executive enjoys the wide area of maneuver given it by the recognized power of virement, which the American executive does not possess. As a result, the British executive in comparison with the American has greater freedom of action, which it may use to make economies and correct normal discrepancies in the estimation of expenditure. At the same time, Parliament retains control over policy, as it is reflected in the estimates, to which purposes alone government expenditure is restricted. These arrangements, it is true, also mean that Parliament does not exercise control over the details of expenditure as the American Congress often does. But that power would hardly be compatible with cabinet government.

Power of the Executive to Incur Liabilities. In its freedom to incur liabilities, the British executive also enjoys what must seem from the American point of view an even more remarkable power. The point can be brought out if we

examine a peculiarity about the estimates presented to, and the appropriations voted by, Parliament. It is that they show only the sums which are expected actually to come in course of payment during the year to which they relate and do not provide for liabilities which may be incurred in the current year, but which do not mature for payment until a later year. In consequence, appropriations in Britain do not present that familiar feature of recent American budgets: a discrepancy, sometimes huge, between the sum that will actually be spent in the financial year and the sum appropriated, which will be spent over a period of years. The reason for the American practice is obvious: many programs, especially defense programs, can be carried out only over a period of years; hence, if departments are to make the necessary commitments they must be assured of the requisite appropriations. But the British government also undertakes activities of this kind; it also has a set of long-run defense programs. How does it avoid the discrepancy?

The reason in a nutshell is that while in Britain the executive can incur liabilities not already covered by an appropriation, in the United States it cannot. Exceptions to the rule occur in this country when Congress from time to time specifically provides in legislation that a department, for a limited period and within a fixed sum, may make contracts creating liabilities not covered by an appropriation. The general rule, however, is that if a department of the Federal government is legally to incur liabilities, even though they do not come in payment during the current year, these liabilities must already be covered by an appropriation. Freed of this limitation, the British executive in launching a program is obliged to ask Parliament only for such funds as appear to be needed for the fiscal year, the result being that appropriations and expenditures are not greatly discrepant.

Historically, of course, supply came to be granted for only a year at a time as a means of giving Parliament a tighter control over the Crown. The Crown, however, retained the power, which the American executive has never had, to incur liabilities not covered by an appropriation or contract authorization. Of course, in a political sense, the President may "incur liabilities" or "make commitments" without such authority. He might, for instance, commit the United States to providing economic or military aid to a foreign country although Congress had not yet appropriated or authorized the necessary funds. But the American executive could not legally make contracts to procure the goods needed to fulfill such commitments, while in a similar situation the British executive could. Regularly, British officials, on behalf of the executive, make legally binding contracts which involve the future payment of sums which are not yet covered by estimates presented to, or appropriations voted by, Parliament.

Peculiar as it must seem in American eyes, this power, we may also observe, is necessary if the British system of annual audits is to work effectively. That system has often been admired and it has been proposed that something similar be imported into American government. Such proposals necessarily include the requirement that appropriations be made only for the current year in order that

the audit shall be timely. But inconvenient as that would be in "normal" times, it would be virtually impossible when the government is pushing ahead with great programs of expenditure like those of recent defense budgets—unless Congress were ready to grant the executive a power to incur liabilities comparable with that enjoyed by the British executive. Conceivably this could be done by greatly extending the present limited practice of granting the executive the power to make contracts to be covered by later appropriations. Without some such change at any rate, we cannot have the much praised system of an annual audit. And only if these contract authorizations were in fairly general terms would the freedom of decision left the executive be comparable to that enjoyed by the British executive.

The wider power of the British as compared with the American executive in incurring liabilities consists not only in this freedom with regard to appropriations. The British executive also is less restricted by the need for other statutory sanction. In the United States, because of the rules of the House of Representatives, appropriation bills are not normally proceeded with unless the expenditure which they are to cover has already been authorized by law¹³ and such authorizations, often in the form of permanent legislation, sometimes in the form of annual legislation, themselves commonly set limits on the amount that may be expended.

Does the British executive need similar statutory sanction in order to incur liabilities? It is a recognized feature of British practice that any bill introduced into Parliament, the implementation of which will involve a charge on public funds, should be accompanied by a separate Financial Resolution, the purpose of which is to make clear to Parliament the financial implications of the measure. That Resolution must be recommended by the Crown and voted by the House of Commons, sitting in Committee, before the statute itself can come into effect. Between it and the authorizations passed by the American Congress there is a certain similarity. It should be pointed out, however, that a Financial Resolution will not always set a specific limit to the charge which the Act imposes on public funds. In some cases, where a new service is established and is intended to be carried on by a Department as part of its ordinary continuing business—for instance, the National Health Service—the amount to be spent is left to be dealt with by the annual Estimates procedure. In other cases, where for any reason it may be desirable to fix some limit to the amount of public money which may be spent before the policy must be resubmitted to Parliament in a new bill—for instance, subsidies to the Film Industry—a specific total will be named in the Financial Resolution and in the bill. In any case, of course, the passage of the Resolution, like our authorizations, is quite distinct from the appropriation of funds to cover the expenditure on the service.

But what must be of particular interest, when one is making comparisons with American practice, is the fact that in some spheres, the British executive can incur liabilities for activities which do not have the statutory sanction of a

¹³ Rule XXI, cl. 2, *Rules of the House of Representatives*.

Financial Resolution or of an Act—such as the National Health Service Act—establishing the activity. (Ultimately, of course, the cash to cover annual expenditure on these activities will be provided by an Appropriation Act and in this sense and in this form statutory sanction must at some point be received.) Just what activities enjoy this privileged position is a question which has from time to time agitated the Comptroller and Auditor General and the Public Accounts Committee. It is at any rate unquestioned that activities required for the defense of the realm—for example, letting contracts for ships, airplanes and other large munitions of war—are so privileged, and that in this sphere both the law of the constitution and constitutional “propriety” permit the executive to incur liabilities extending over a period of years although the activities concerned do not have statutory sanction. It has also been argued that civil departments enjoy a less wide, but similar privilege. And it has happened that civil departments not only have incurred liabilities for services lacking statutory authority, but also have incurred liabilities involving expenditure exceeding the limits on expenditure set by statute. Underlying these powers and the problems they raise is the retention by the Crown of powers founded not on statute, but on constitutional custom—in short, the remaining powers of the ancient prerogative.¹⁴

Freed of the strict dependence on appropriations and statutory authority which limits the ability of the American executive to incur liabilities, the British executive has a freedom of maneuver which may greatly facilitate making policy and inaugurating new programs. An illustration will help bring out some of the possibilities. In the spring of 1953, the Colonial Office, in view of the serious world rice shortage, decided that additional funds should be made available for rice production in the colonies. Legislation authorizing such programs of development and welfare had been passed between 1940 and 1950, the various acts authorizing expenditure not to exceed £ 140 million within a period coming to an end in March 1956. Nearly the whole of this sum had been committed, however, and to attempt to bring the new schemes under the authority so given would probably have meant displacing other developments. To introduce into Parliament new authorizing legislation and a supplementary estimate might have caused delay while the legislation was being prepared and surely would have disrupted the existing Parliamentary time-table.

¹⁴ For discussion of this whole question, see: *Epitome* (1857–1937), pp. 85, 264, 468, 724; PAC, 1912, Evidence, Q. 3427–42; and esp. PAC, 2nd Report, 1932, par. 3, and Evidence, Q. 840–1, 853; also Erskine May, *Parliamentary Practice*, 15th ed., p. 726. The question raises the problem of the limits of the prerogative. To that power it seems the Treasury representative was referring in an interesting passage at arms with the Comptroller and Auditor General before the Public Accounts Committee in 1932. While granting that “constitutional principle” required that the Executive must not so commit Parliament to future expenditure as, in effect, to force it to appropriate funds in the future for services without statutory sanction, the Treasury representative insisted that an exception to that principle is “the law that the King’s Government must be carried on,” which he took to mean not only that the fighting services might incur liabilities for services without statutory sanction, but also that to some undefined extent the same power was held by the executive in providing civil services. (Q. 841).

With the concurrence of the Treasury, the Colonial Secretary, therefore, instructed colonial governments that they might make commitments for the special rice program, although his action meant that total commitments would almost certainly rise above the authorized figure of £140 million. He informed the House of Commons of what he had done, announcing at the same time that legislation to authorize the additional expenditure would be introduced early in the next session. The fact of interest to us is that commitments were to be made, not only before an appropriation had been voted, but also in contravention of the limit on such expenditure set by Parliament. "I can see no other way of ensuring that the continuity of colonial development is not interrupted," concluded the Colonial Secretary, "and I feel confident that I have the full support of the House in the action I am now taking."¹⁵

Treasury Control as a Balance to Executive Power. The financial powers of the British executive are wide; considered by themselves, they might be thought dangerous. The principal safeguard is, of course, the convention which obliges ministers continually to explain to Parliament what they are doing and what they propose to do and which permits them to retain their power only so long as they can keep the confidence of the House of Commons. Another and not the least important safeguard is provided by Treasury control, meaning not merely that the Treasury will normally authorize expenditure in anticipation of Parliamentary sanction only if the need is urgent, but also that its day-to-day contact with departments enables it to foresee the future implications of their current policymaking. Enjoying great freedom of maneuver, the executive can, if it chooses, embark on a long-range program before detailed estimates of the ultimate costs of the constituent parts are feasible or, for that matter, even before a firm idea of the total cost can be framed. This greater liberty to move rapidly and with large measures is also the opportunity to act thoughtlessly, incoherently, and with extravagance. To meet the consequent need for coordination, the powers of the Treasury have been shaped. Supply is concerned not simply with expenditure which will fall in the current year, but with any prospective expenditure and any departmental proposal which may at some time in the future lead to expenditure. Its normal powers, therefore, introduce it as of right in the early stages of planning and programming, well before commitments are made or liabilities incurred.

It follows that both Treasury and departmental officials will be compelled continually to give thought to the future consequences of their plans and, where policy may be involved, to bring these consequences to the attention of ministers. The future is a matter about which politicians, because of the nature of their situation, have little time to think. By reason of its scope and structure Treasury control tends to induce ministers to look beyond the pressing problems of the moment and, at the same time, provides them with the staff assistance to do so intelligently.

¹⁵ H. C. Deb. 5th ser., vol. 516, col. 1898 (24 June 1953).

THE OPERATION OF THE FRENCH ECONOMIC COUNCIL

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The French Economic Council was once called an enlightened economic adviser of the legislature.¹ The sort of advice which it gives and the amount of enlightenment it generates depend on the decisions reached by the members of the economic interest groups that compose the Council as they debate and vote on the specific issues brought before them. The decision-making process can be illuminated by a statistical study of the voting behavior of these interest groups. Such a study also indicates the possible future pattern of behavior of the groups as well as their attitudes towards the particular issues they have debated.

I

The formal structural framework within which the groups composing the Council reach their decisions is fixed by the constitution and a series of laws and decrees.² Under the Constitution of 1946, the Council is empowered to "examine the bills and proposed laws within its purview in order to give its opinion thereon." The National Assembly is to send such bills to the Council before considering them. The Council of Ministers may also consult the Council, and is required to do so "concerning the establishment of a national economic plan for full employment and the rational utilization" of the material resources of the country.³

The detailed organization and powers of the Economic Council were set down in the law of October 27, 1946.⁴ After four years of experience with the practical working of this measure, the National Assembly made a few changes—mainly in an effort to make the Council less political—in the law of March 20, 1951.⁵ By this law, the Council has power to consider "bills and proposals of an economic and social character, excluding the budget, and international

¹ *Journal Officiel, Débats, Assemblée Nationale*, Feb. 8, 1951, p. 840.

² See Henry Seligson, "An Evaluation of the Economic Council of France," *Western Political Quarterly*, Vol. 7, pp. 36-50 (March, 1954). Also Maurice Aubry, "Le Conseil Économique," *Revue du Droit Public et de la Science Politique en France et à l'Étranger*, Vol. 67, pp. 414-77 (April-June, 1951). M. Aubry has expanded this article in his *Le Conseil Économique* (Paris, 1953).

³ Article 25.

⁴ *Journal Officiel, Lois et Décrets* (cited hereafter as *Lois et Décrets*), Oct. 28, 1946, pp. 9177 ff. Other details of organization are provided in the decree of Feb. 24, 1947, *Lois et Décrets*, Feb. 27, 1947, p. 1831.

⁵ *Lois et Décrets*, March 24, 1951, pp. 2979 ff. The actual organizations represented in the Council are named in the decree of May 10, 1951, *Lois et Décrets*, May 11, 1951, pp. 4905 ff. The minor details of the verification of powers and organization of internal services of the Council are set forth in the law of Aug. 20, 1947, *Lois et Décrets*, Aug. 21, 1947, pp. 8246 ff. as modified by the budget law of Sept. 14, 1948, *Lois et Décrets*, Sept. 19, 1948, pp. 9234, 9236.

agreements of an economic or financial character submitted to the National Assembly." In addition to examining the national economic plans, it also considers drafts of decrees affecting the national economy, as well as other economic, social, and financial questions which, in its judgment, ought to be examined. Twice a year it reports on the state of the national economy, including the "increase or contraction of national revenue, and on measures likely to raise the levels of production, of consumption, and of export." It is required to examine, in addition, the official accounts of past national revenues before they are submitted to the National Assembly.

These powers may be exercised at the request of the National Assembly or its commissions, at the request of the government, or on the Council's own initiative. By all odds the greatest number of reports stem from the Council's own initiative. The time limit for Council action is short; reports undertaken at the request of the National Assembly are to be delivered to the appropriate commission of the National Assembly within a period of twenty days. When the Council considers a proposed law on its own initiative, the twenty-day period runs from the time the proposed law has been deposited with the bureau of the National Assembly.⁶ The period is reduced to two days if the National Assembly is itself considering the law under its urgency procedure.

The reports of the Economic Council are brought to the attention of the legislature in various ways. At the request of the National Assembly or the Council of the Republic,⁷ the rapporteurs of the commissions of the Economic Council may personally present the report to the appropriate legislative commission. The rapporteurs are not empowered to deliver their reports orally to the National Assembly itself, however, for fear that they might harangue it. Once completed, the reports of the Council are printed and delivered to each member of parliament and they must be read to the National Assembly immediately preceding the general discussion phase of the particular bill.

The internal organization of the Economic Council is not unlike that of the National Assembly. The spade work is done by the commissions into which the Council is divided. Having from twenty to twenty-five members, these commissions are constructed out of the economic interest groups represented in the Council.⁸

⁶ The provision was inserted in the law of 1951 as an outgrowth of the informal practice which had developed in relations between the National Assembly and the Economic Council. See the exchange of letters between the respective presidents in *Journal Officiel, Avis et Rapports du Conseil Économique* (cited hereafter as *Avis et Rapports*), July 9, 1948, pp. 177 ff.

⁷ In the discussion of the law of 1951 the Council of the Republic had written in a section by which it could request advice of the Economic Council. The National Assembly struck this provision out on the ground that it was unconstitutional, but compromised to the extent of allowing the commissions of the Council of the Republic to hear the rapporteurs of the Economic Council. *Journal Officiel, Débats, Assemblée Nationale*, March 13, 1951, p. 1846.

⁸ In 1952, the year used herein as a sample year for analyzing the work of the Council, commissions were appointed (1) on the state of the French economy and national revenue;

Each commission, following the legislative precedent and the organic law, selects its own president and its rapporteurs for particular investigations. In their discussions, the commissions may draw information from a large number of sources. They may invite the deputy who is the author of a bill they are discussing to attend; and they may request advice from ministers and civil servants. Whether invited or not, presidents of parliamentary commissions and their rapporteurs may attend meetings of the commissions of the Economic Council, as may ministers, undersecretaries of state, or their appointed agents. Although in 1951 the National Assembly specifically refused to authorize ministers to speak at Council commission meetings, actually it appears that ministers or their representatives do from time to time orally present their views.⁹

Requests for investigations and reports are funneled through the bureau of the Council. The bureau consists of the President of the Economic Council and ten other officers chosen by the Council. The bureau determines whether the request for an investigation properly falls within the technical competence of the Council. If so, the appropriate commission is set to work. Bureau decisions in these matters are subject to the approval of the Council. Once the commission has completed its discussions, its report is debated and voted upon by the whole Council, in meetings which usually take place every two weeks.¹⁰

II

Like the National Assembly, the Economic Council is divided into groups. But Council groups are based on economic interests instead of on political parties, although some of the groups do have party ties: for example, the *Confédération Générale du Travail* group is closely linked with the Communist party. Through the groups the Council carries out its major function, that of giving professional economic advice to the legislature and to the government. Yet its advice is of a special sort. The government and the National Assembly can always obtain technical advice through other channels, notably from the civil servants and others called before its commissions. The Council's advice is based on the views of the various economic organizations in the country, whose delegates in the Council speak not as unbiassed professional observers, but as proponents of the special interests of their constituents. Through the Council the groups are supposed to gain a public forum so that instead of snoop-ing around buttonholing legislators, furtively trying to advance their causes,

(2) on economic affairs and the plan; (3) on finances, credit, and fiscal affairs; (4) on industrial production; (5) on agriculture; (6) on commerce and distribution; (7) on public works, reconstruction, and urbanism; (8) on transport, posts, telephones and telegraph, and tourist affairs; (9) on social affairs; and (10) on the economy of the French Union. *Bulletin du Conseil Économique*, Jan. 23, 1952, no. 2.

⁹ *Avis et Rapports*, July 25, 1952, p. 325.

¹⁰ The major records of the work of the Council are in two forms. The *Bulletin du Conseil Économique* is an account of the discussions of the Council. The *Journal Officiel*, *Avis et Rapports du Conseil Économique* records the actions taken by the Council, along with the votes, but not the debates.

they can speak publicly of their interests. Thus the Council was expected to remove some of the need for lobbying. Yet the underlying conception is not corporative, because neither the groups nor the Council have any part of the sovereign legislative power.

The group structure of the Council is by no means a perfect reflection of the economy of France. Little effort was made, for example, to equilibrate the relative sizes of the groups in the Council to the numbers of people who make up the economic interests of the country, nor was the proportion of the national income contributed by the various groups made a basis for representation. Rather, the Council groups were built by "rule of thumb." What emerged from the debates of the constitutional committee was a compromise between those who thought that the Council should represent nation-wide economic interest groups and those who argued that regional or territorial divisions should be taken into account. The upshot was that worker, employer, and agricultural representation were made roughly equal, while territorial representation was added in the shape of delegates from the French Union—but these were drawn from worker, employer, and agricultural organizations.¹¹ Representatives of a miscellaneous collection of other smaller organizations were brought in as a result of numerous demands made on legislators to include this or that particular interest.

In the 1951 law the representation plan was as follows: (1) forty-five representatives designated by the most representative organizations of workers, civil servants, technicians, engineers, and foremen, of which thirty-nine were drawn from the major labor unions; (2) forty representatives of various industrial and commercial groups; (3) thirty-five representatives of agricultural groups; (4) fifteen representatives of overseas departments and territories; and (5) thirty-four representatives of various other groups.

These large groups are subdivided into many smaller groups, with little attention being paid to the relative economic importance or size of the interests involved. The labor group is a notable example of misrepresentation of numerical strength. Each of the major labor organizations is equally represented. The *Confédération Générale du Travail*, without doubt the largest union, has thirteen members; the much smaller *Confédération Générale du Travail-Force Ouvrière* also has thirteen members, as does the still smaller *Confédération Française des Travailleurs Chrétiens*.¹² The remainder of the labor delegation consists of four delegates selected by the *Confédération Générale des Cadres*, an organization representing the technicians, engineers, and foremen, and two delegates from other smaller labor organizations. The CGC's interests, based

¹¹ Such few figures as were mentioned in the committee discussions dated from 1936 and concerned only the numbers of people working in various sizes of enterprises. See *Assemblée Nationale Constituante élue le 2 juin 1946, Séances* (Paris, 1946), p. 772.

¹² While the actual number of members in these organizations is not officially published, it has been estimated that in December, 1949, the CGT had 2,300,000 members, the *Force Ouvrière* 1,000,000, the CFTC 750,000, and the CGC 150,000; thus the CGT had more members than all of the others put together. See Webster Powell, "Activities of French Labor Unions in 1949-1951," *Monthly Labor Review*, Vol. 72, pp. 642-47 (June, 1951).

on those of the higher salaried workers, often diverge from those of the mass labor organizations, so that for practical purposes the labor representation on the Council can be put roughly at forty.

The forty commercial and industrial representatives are equally diverse. Among these, six represent the nationalized industries and are designated by their respective administrative councils. Six of the fourteen representatives of private industry are chosen from firms having 100 or less workers, while the remaining eight represent the larger firms. All fourteen are chosen by agreement between the *Conseil National du Patronat Français*, an industrially organized federation of the larger employers, to be compared loosely with the National Association of Manufacturers in the United States, and the general assembly of the presidents of the Chambers of Commerce, an organization much more governmentally inspired than its American namesake. Among the ten commercial as distinguished from industrial representatives, nine are chosen by the same organizations as the industrial representatives, and one by the *Fédération Nationale des Sociétés Coopératives de Commerçants*. Among these, three of the nine are chosen to represent enterprises employing five persons or less, and the remainder to represent larger enterprises.

Ten representatives of French artisans are counted among the industrial group. Five of them are chosen by the assembly of the presidents of the *Chambres des Métiers*, which are public organizations consisting of elected delegates chosen by master and journeyman artisans, and five others by the professional associations of artisans. Artisans are considered to be workers in small firms, or the self-employed in such fields as *haute couture*, building, cleaning and dyeing, and other specialized trades.

The thirty-five agricultural representatives, speaking for what is in general still France's largest industry, are variously chosen. From 1947 to 1954—which includes the period on which the statistics in this study were based—twenty-eight out of the thirty-five representatives were chosen by the *Confédération Générale de l'Agriculture*,¹³ partly on the recommendation of the *Fédération Nationale des Syndicats d'Exploitants Agricoles*, an organization consisting chiefly of the traditionally conservative, rightist farmers, and partly on the recommendation of other agricultural groups concerned with credit, cooperatives, farm property, and agricultural engineering. By a decree of March 18, 1954,¹⁴ however, the major component organizations of the CGA received the power to name their representatives directly rather than through the CGA. Thus, thirteen are now named by the FNSEA, and eight by the permanent assembly of presidents of the Chambers of Agriculture—public organizations in various departments, chosen by the farmers of the area. Three are chosen to represent the farm workers' organizations attached to the CGT, the CGT-FO, and the CFTC. The remainder represent, as before, various other agricultural interests.

¹³ See Gordon Wright, "Agrarian Syndicalism in Postwar France," this REVIEW, Vol. 47, pp. 402-16 (June, 1953).

¹⁴ *Lois et Décrets*, March 20, 1954, p. 2682.

As we have seen, the fifteen members chosen from organizations in the overseas departments and territories represent mainly the interest groups already in the Economic Council, except that their territorial location is different. For example, the labor unions name four representatives, one each for the CGT, the CGT-FO, the CFTC, and the CGC. This same sort of duplication runs through the delegation, in connection with Chambers of Commerce, Chambers of Agriculture, nationalized enterprises, artisans, industries, etc.

Among the thirty-three representatives of miscellaneous organizations, eight are chosen by the Council of Ministers to represent French economic and scientific thought. Members of this group are often named *rapporteurs* for the more elaborate reports of the Council, particularly those dealing with the general state of the economy.

Nine of the miscellaneous group are named by various cooperative societies. Two of these represent the National Federation of Consumers' Cooperatives, an organization having some two and one-half million members, principally concerned with cooperative trading in foodstuffs; two represent the much smaller producers' cooperative organizations, set up mainly in building trades but also in printing, electrical goods, textiles, and other trades. Five represent the third and major branch of the cooperative movement, the agricultural cooperatives. Most of these are concerned with production and marketing, joint buying and supplying, or joint use of agricultural machinery. With these five, it could be considered that the agricultural group is built up from thirty-five to forty, thus being roughly equal to the labor group and the industrial group.

Eight of the miscellaneous group are named by the *associations familiales*. These organizations, at first privately established, are now federated under an ordinance of March 3, 1945.¹⁵ At base they are inspired by a desire to promote the moral and material aspects of French family life. Some of the local units, for example, have set up family laundries, nurseries, or rural bookstores.¹⁶

To complete the roster of representation of miscellaneous organizations, one person is named for his special knowledge of the housing problem. Two delegates represent the associations of those subjected to bomb or other war damage in the cities and in agricultural areas. Two delegates represent the organized middle classes, and one delegate each represents the tourist trade, savings, building property, and export activities.

In short, the groups in the Economic Council represent the major organized economic interests of France.

III

A detailed examination of one year's work of the Economic Council reveals the voting behavior of the economic groups, the sort of problems with which the Council has been engaged, and the attitudes of the groups towards those problems.

In this sample year, 1952, the Council produced thirty-seven major reports.

¹⁵ *Lois et Décrets*, March 4, 1945, pp. 1137 ff.

¹⁶ See *Cahiers Français d'Information*, No. 153, pp. 7 ff. (April 1, 1950).

Twenty-nine (almost 80 per cent) were undertaken on the Council's own initiative, five (13 per cent) at the request of the government, and the remainder to fulfill the statutory responsibilities of the Council with respect to the economic plan and the semi-annual summaries of the state of the French economy. In this year, none of the reports was undertaken at the request of the National Assembly, although in other years a few have been so initiated. From these figures it is clear that the legislature and the government have not often asked for the advice of the Economic Council—a situation that the Council is aware of and concerned about.

To a considerable extent the areas of harmony and the areas of sharp controversy in the French economy are revealed by the voting patterns of the economic interest groups in the Council. These patterns fall into several convenient categories, built on the combinations of groups which have supported particular propositions brought before the Council, and those which have opposed.

The first category consists of the reports agreed to unanimously or almost unanimously. In most of these only minor problems were involved. Five reports (13 per cent of the total number of reports issued in 1952) were approved unanimously. These include: a report favoring a law outlawing chain-letter sales—or, as they are called in France, snowball sales;¹⁷ a report urging greater attention to and study of irrigation problems in Algiers;¹⁸ another pointing out that psychological vocational and professional placement examinations were in the development stage and should be used with caution in setting up trade and professional schools in overseas territories;¹⁹ a report containing a detailed examination of a code for river navigation in overseas territories;²⁰ and a report recommending that a housing program be made a basic part of the second plan for modernization and equipment.²¹

Three more reports, being almost unanimous, can be classed in this category. In the first of these, only one delegate dissented. This report contained recommendations on a scheme for governmental loans for housing to remedy what the Council considered the excessive slowness of private initiative in house building and the excessive cost of governmental construction of houses.²² A second report, with but one delegate abstaining from approving it, concerned the regulation of the production, importation, sale, and consumption of alcohol in so-called French Black Africa.²³ The third report, on which one delegate abstained from voting and one voted against, concerned the difficult problem of unemployment payments. This report—concurred in by capital and labor groups alike—recommended, among other things, that the actual administrative pro-

¹⁷ *Avis et Rapports*, Jan. 24, 1952, p. 1.

¹⁸ *Avis et Rapports*, Jan. 24, 1952, p. 13.

¹⁹ *Avis et Rapports*, Jan. 24, 1952, p. 18.

²⁰ *Avis et Rapports*, April 23, 1952, p. 84.

²¹ *Avis et Rapports*, July 25, 1952, p. 323.

²² *Avis et Rapports*, July 25, 1952, p. 325.

²³ *Avis et Rapports*, May 21, 1952, p. 98.

cedures which made the existing law workable should be written into the law; that the unemployed receiving payments should not be expected to move from their own towns to get work if their reasons for staying there were substantial; and that there should not be a time limit on payments.²⁴

A second category of reports consists of those in which there was unanimity or substantial unanimity except for the votes of the *Confédération Générale du Travail* delegation and its supporters in the agriculture and French Union groups. There are seven of these—nearly 20 per cent of the total. In some of these the CGT was recorded as having abstained from voting on the proposition, and in others as having voted against. The subject matter of these reports, is usually much more controversial than that in the case of reports in the “unanimous” category, and is often concerned with major economic problems having strong political overtones. Three of the seven reports can be called minor. One concerned the desirability of increasing standardization in French industry;²⁵ another dealt with measures to control illicit sales by itinerant merchants. The CGT abstained on this latter report, it said, because it was not sure whether the law was aimed only at illicit sales, or was perhaps directed also at those of legitimate itinerant salesmen, heavily patronized in poorer areas.²⁶ The third was a most extensive report on the variation in the price of meat from wholesaler to the consumer. The Council roundly condemned the wholesaling practices at the central Paris meat market at La Villette. This report was part of a much larger investigation of price differentials in food products, undertaken at the request of the President of the Council of Ministers.²⁷

The remaining four reports in this category were based on issues hotly debated in the legislature and in the public press. One of them concerned the shortage of raw materials for the steel industry. The CGT's resolution, defeated in the Council, proclaimed that there would be no shortage if armament production were reduced to the level necessary for true national defense.²⁸ The three remaining reports dealt with the necessity of reducing prices and controlling inflation in France, a central problem of the Pinay government of the period. One of these reports dealt with the position of French external trade, being strangled by high prices. In it the Council advocated, among other things, the activating of the so-called green pool for agriculture, and the extension of the scope of the European Payments Union.²⁹ Another report dealt directly with internal trade, discussed by the Council under the rubric of the state of the French economy. In essence, this was an examination of the *Expérience Pinay*, a much publicized—one might almost say glamorized—plan to reduce prices. The Economic Council, with only the CGT-connected delegates abstaining, pointed out that the plan had probably only momentarily

²⁴ *Avis et Rapports*, July 9, 1952, p. 269.

²⁵ *Avis et Rapports*, July 24, 1952, p. 283.

²⁶ *Avis et Rapports*, March 12, 1952, p. 31.

²⁷ *Avis et Rapports*, Nov. 27, 1952, p. 497.

²⁸ *Avis et Rapports*, June 18, 1952, p. 107.

²⁹ *Avis et Rapports*, March 21, 1952, p. 39.

halted the price rise and that only an increase in production and a vigorous program of capital investment would solve the basic problem.³⁰ Much the same conclusion was reached in a report explicitly on the policy of the government with respect to lowering prices. The whole Council concurred in this report, except for the contrary votes of the CGT and the abstention of one member of the French thought group.³¹

If one adds to the number of recommendations approved unanimously by the Council those approved by all groups except the Communist-controlled CGT, 40 per cent of the reports are included—an impressive degree of harmony among the vast majority of delegates.

A third category, closely related to the second, consists of those reports which the whole Council approved, except for the contrary or abstaining votes of the other labor groups and their affiliates, sometimes joined by the CGT and a scattering of other delegates. Six reports (about 16 per cent) fall in this category. One of these is a report reminding coal users that a ton of coal saved in industry is worth more than a ton cut at the coal face—that one-sixth of the French coal production could probably be saved by careful husbanding of energy resources.³² On a related issue, that of how to develop the slim French reserves of petroleum in Alsace, the labor group was again the core of the minority. The majority of the Council recommended that private companies be encouraged to undertake the relatively uneconomic development of these poor resources by being given tax remissions.³³ The same combination was in operation, although this time the labor groups were joined in their opposition by a scattering of votes from other groups, in a report on how to equalize the wages of agricultural workers with those in industry. Both sides in this controversy were in favor of increasing agricultural wages, but the labor groups asked that it be done immediately, whereas commerce and industry and the bulk of the agricultural group decided that it should be done gradually.³⁴

In two additional reports, both undertaken at the request of the government, the bulk of the opposition came from labor union groups and their adherents in the agricultural and French Union delegations. One of these concerned a government project for regulating civil aviation; forty-four of the forty-five delegates who voted against the report were in one way or another tied to the labor groups.³⁵ The second report contained a detailed survey of the fruit and vegetable marketing procedures in France and excoriated the traditional practices used at Les Halles, the great central green-produce market in Paris. Twenty-nine of the thirty-two who opposed this report belonged to the labor groups or were affiliated with them, whereas the great bulk of the agricultural

³⁰ *Avis et Rapports*, June 20, 1952, p. 131.

³¹ *Avis et Rapports*, June 26, 1952, p. 246.

³² *Avis et Rapports*, July 24, 1952, p. 303.

³³ *Avis et Rapports*, July 24, 1952, p. 295.

³⁴ *Avis et Rapports*, Feb. 13, 1952, p. 25.

³⁵ *Avis et Rapports*, Dec. 11, 1952, p. 521.

group as well as the majority of the Council agreed with the report.³⁶

Only the *Force Ouvrière* group and its representatives in the French Union and agricultural groups abstained in a vote on a report urging the government to consider including allotments for mechanical equipment in the agricultural areas in the modernization and equipment plan.³⁷

A fourth category—into which few reports fall—consists of those recommendations in which the commerce and industry groups constitute the main opposition. In only one report were those groups substantially alone in their opposition; this was a report in which the Minister of Finance was criticized for the statistical base on which he constructed his annual account of the national revenue.³⁸ In another report the commerce and industry groups, supported by a scattering of others, objected to the Council's approval of the government's investment program on the ground that the program should put more emphasis on investments which favored the harmonious development of productive capacity in all segments of the French economy.³⁹

In two other reports the private commerce and industry groups constituted the main core of the opposition—more than half—but were joined by a good many other groups. One of these concerned a complicated law regulating deposits made by buyers for goods to be delivered later. Buyers could cancel the order and get their deposits back under certain conditions if the price of the goods had risen too much before delivery.⁴⁰ The other report concerned the extending of additional credits by the state to the state-operated post office, telephone, and telegraph system.⁴¹

These four categories of reports—those supported by a unanimous Council, those opposed only by the CGT, those opposed by labor, and those opposed by commerce and industry—comprise sixty-eight per cent of the reports drafted in 1952. In the remaining thirty-two per cent, the splits between the groups do not fit into convenient categories. In these, various large groups often are found in opposition. Capital and labor sometimes join hands; sometimes labor and agriculture work together—although the agricultural group is rarely found in the opposition or abstention column. On one occasion, however, in a report describing an extensive reorganization of the Ministry of Economic Affairs, the bulk of those who abstained or voted against the report were connected with the agricultural group and the CGT.⁴² In another instance, the CGT joined hands with the commerce and industry group. Both abstained from voting on a report recommending that many more restraints be placed on the financial management of industry—such as requirements that stockholders be informed

³⁶ *Avis et Rapports*, Oct. 8, 1952, p. 337.

³⁷ *Avis et Rapports*, Oct. 9, 1952, p. 345.

³⁸ *Avis et Rapports*, Dec. 24, 1952, p. 577.

³⁹ *Avis et Rapports*, Dec. 16, 1952, p. 549.

⁴⁰ *Avis et Rapports*, July 9, 1952, p. 263.

⁴¹ *Avis et Rapports*, March 26, 1952, p. 69.

⁴² *Avis et Rapports*, May 21, 1952, p. 95. Incidentally, this report presents a valuable account of interdepartmental relations and of departmental relations with specific clients outside of the government.

in advance of resolutions to be presented at stockholders meetings, and that an enterprise be limited in financing itself without stock issues.⁴³ A somewhat related line-up, except that there was more division in the agricultural group, was evident in a much divided vote on a report charging that the excessive cost of rearmament was lowering the standard of living.⁴⁴

In summary, there was unanimity or virtual unanimity on eight reports (21.6 per cent); abstention or opposition only by CGT delegates on seven reports (18.9 per cent); only by labor groups on six (16.2 per cent); only by commerce and industry groups on four (10.8 per cent); and by miscellaneous combinations of groups on twelve (32.4 per cent).

If one examines the voting figures for the different groups, instead of looking at the extent of opposition to the reports, the picture is not greatly different, except that the private commerce and industry groups are shown to have joined the opposition side relatively often. The following figures give the proportion of those members from each group who were present and who voted for the various propositions.⁴⁵

Agriculture	90.3%	Family Associations	82.2
Nationalized enterprises	89.7	CGC	82.1
Artisans	88.8	CGT-FO	77.8
Diverse activities	87.5	Private industry	71.2
Cooperatives	87.4	Private commerce	70.8
French Thought	83.3	French Union	64.4
CFTC	82.8	CGT	45.7

By comparison with voting records of party groups in the legislature, these figures indicate an impressive degree of harmony with respect to the findings and recommendations made by the Economic Council. It cannot be said that this necessarily indicates that these groups strongly support the existing economic regime, however, because nearly all of the Council's reports are in one way or another critical, recommending changes in the existing structure. But the figures do indicate which groups most nearly agree with the prescriptions made by the Council. Only the CGT can be considered as being frequently opposed to the findings—and this opposition is often based on the political viewpoint of the Communist party. The French Union, private industry, and private commerce groups are next in line as less enthusiastic supporters of the Council's reports; yet even with these, and especially the last two, the degree of approval is considerable.

Voting records reveal that the economic interest groups in the Council are also unlike those of the French legislature in that they are much more cohesive. The most cohesive were the labor groups, headed by the CGT and the CFTC. In all of the votes in 1952 on final recommendations of the Council, not once did these groups split their votes. The CGT-FO split its vote only once—on a

⁴³ *Avis et Rapports*, Nov. 14, 1952, p. 409.

⁴⁴ *Avis et Rapports*, June 20, 1952, p. 232.

⁴⁵ The groups of one or two members have been omitted on the ground that they are too small to be statistically valuable for purposes of comparison.

report saying that economy in the use of coal and other energy resources was of the greatest importance. The CGC, the organization of foremen, was also split only once—in the report on the wholesale and retail fruit and vegetable marketing procedure.

The private commerce and industry groups were only slightly less cohesive. The industry group split its votes on two of the reports. One concerned the law on returning deposits to prospective buyers in the event the price had risen too much before the goods were delivered, and the other concerned the disparity between wholesale and retail prices in selling fruits and vegetables. In these same two reports, plus one other—on the sale of alcohol in the colonies—the commerce group was split. The artisan group divided its votes only once—on this same controversial law on returning deposits to prospective buyers.

Among the slightly more divided groups were those of French Thought, in which there were four split votes (or 10 per cent), the diverse activities group, in which there were five split votes (13 per cent) and the cooperative and nationalized enterprise groups, in which there were six (16 per cent). The family association group split nine times (24 per cent).

The most divided groups were those of agriculture and the French Union. The agricultural group split its vote twenty-three out of thirty-seven times (about 62 per cent), but in most of these votes the only defectors were the agricultural representatives associated with the CGT or the other labor groups. If these are eliminated, the rest of the group split eight times or (21 per cent). The explanation for the even greater divisions in the French Union group—which split twenty-seven times (73 per cent)—is much the same as for agriculture; the French Union group is made up of diverse interests, and in most of the votes the members voted with their companion interest groups in Metropolitan France.

By way of summary, it can be said that the groups in the Economic Council are remarkably cohesive. They are relatively united in the prescriptions which they write for the ills of the French economic system. Such differences as do exist among them often arise, as one would expect, out of the differing views of capital and labor as to the proper remedies. In short, the Economic Council serves as a useful source of information on outstanding problems of the French economy, and on the views of the various organized economic interests towards those problems.

POLITICAL PERSONALITY AND ELECTORAL CHOICE*

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The most widely-held and well-supported theories of electoral choice today relate such choice to group membership, socializing, so to speak, the vote decision. In this process the personality of the individual voter has tended to be overlooked or its influence minimized. In focussing in this discussion upon the relationship of authoritarianism to electoral choice, therefore, we hope not only to contribute to our knowledge of a particular personality pattern in a political context but also, more generally, to restore the individual, as contrasted to the group, to an important place in a theory of the electoral process.

In an electoral situation, as in any other situation, personality factors play a double role: (1) they affect the perceptions of the individual, screening out some stimuli, distorting others, and admitting others intact; and (2) they shape the responses of a person, selecting among the various possible responses those which are most serviceable to basic personality needs. Every personality develops certain attitudes to assist in this process of selecting among the possible responses. For example, interest in the election,¹ sense of duty,² sense of political efficacy,³ or sense of social integration with the community⁴ might form the nucleus of the attitudes bearing on the decision whether or not to vote. Identification with a political party,⁵ position on current political issues,⁶ candidate

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¹ See, for example, Elmo Roper's interpretation of "concern" in "New York Elects O'Dwyer," *Public Opinion Quarterly*, Vol. 10, pp. 53-57 (Spring, 1946). Charles E. Merriam and Harold F. Gosnell treat this attitude under the head of general apathy in *Non-Voting* (Chicago, 1924); Paul Lazarsfeld, Bernard Berelson, and Hazel Gaudet consider the significance of "interest" in *The People's Choice* (New York, 1944), pp. 40-41.

² Angus Campbell, Gerald Gurin, and Warren Miller, *The Voter Decides* (Evanston, Ill., 1954), pp. 194-99; Harrison Gough *et al.*, "A Personality Scale for Social Responsibility," *Journal of Abnormal and Social Psychology*, Vol. 47, pp. 73-80 (Jan., 1952).

³ See *The Voter Decides*, pp. 187-94.

⁴ See Alice Kitt and David B. Gleicher, "Determinants of Voting Behavior," *Public Opinion Quarterly*, Vol. 14, pp. 393-412 (Fall, 1951); the idea forms an important part of the analysis of Bernard Berelson, Paul Lazarsfeld, and William M. McPhee, *Voting* (Chicago, 1954), and is further developed in *The Voter Decides*, pp. 199-206.

⁵ The idea of traditional loyalty to political parties has been discussed by such writers as MacCauley, Bryce, and Holcombe, and has recently been analyzed by V. O. Key in his *Southern Politics in State and Nation* (New York, 1949). See also *Voting* and *The Voter Decides*, pp. 88-11.

⁶ For the relationship of issues to electoral choice see Stuart Rice, *Quantitative Methods*

preference,⁷ anticipation of economic or political advantage,⁸ prestige considerations,⁹ or identification with a partisan social group¹⁰ might affect the vote itself.

I. CIRCUMSTANCES LIMITING THE INFLUENCE OF PERSONALITY

We have said that dimensions of personality can help to explain certain attitudes which in turn help to explain participation decisions and partisanship decisions. But the influence of personality in making these contributions to the ultimate political decisions is not constant, due to variation in the strength of the personality factors which may be present. In addition, the situations themselves provide either a broad or a narrow scope for the influence of personality. Undoubtedly many elements of the situation tend to affect the degree of influence that personality may have on any single electoral decision, but among the important elements of the situation the following four are surely significant.

1. *The degree to which the national or local culture has established an approved norm.* Where the individual perceives a latitude of decision, elements of his personality can guide his decision in a way which is not possible where the culture provides sanctions against all those who deviate from a specified position.

2. *The degree to which the choice is guided by personal experience and illuminated by personal information.* It is a commonplace that a structured situation gives rise to fewer rumors and less projectivity than a vague situation where knowledge is little and guideposts few. But where there is personal information, the projective possibilities are limited and internal referents are displaced by clearer perceptions of the outside world.

3. *The degree to which the choice is guided by perceived economic, social, or political self-interest.* A person who believes that some clear gain to himself or

in Politics (New York, 1928); Julius Turner, *Party and Constituency* (Baltimore, 1951); George Belknap and Angus Campbell, "Political Party Identification and Attitudes toward Foreign Policy," *Public Opinion Quarterly*, Vol. 15, pp. 601-23 (Winter, 1951-52); *The Voter Decides*, pp. 112-35; Angus Campbell and Robert L. Kahn, *The People Elect a President* (Ann Arbor, 1952), pp. 54-60.

⁷ See Fillmore Sanford, "Public Orientation to Roosevelt," *Public Opinion Quarterly*, Vol. 15, pp. 189-216 (Summer, 1951); Jerome Bruner and Sheldon Korchin, "The Boss and the Vote," *Public Opinion Quarterly*, Vol. 10, pp. 1-23 (Spring, 1946); *The Voter Decides*, pp. 136-43; James C. Davies, "Charisma in the 1952 Campaign," this REVIEW, Vol. 48, pp. 1083-1102 (Dec., 1954).

⁸ Although the assumption that man behaves economically in political situations has been prevalent in the literature, the nature of this type of motivation has rarely been analyzed. Much of the discussion has dealt with group economic interests, confusing the appeals of group solidarity and economic gain. Other discussion, that of Bean, Lundberg, Holcombe, Lubell, and others, shows the economic basis for the vote, without reference to the psychology of economic self-interest. On this latter point, see the forthcoming work of Stephen Sarasohn.

⁹ Samuel Lubell, *The Future of American Politics* (New York, 1951), pp. 75-80.

¹⁰ Howard Freeman and Morris Showell, "Differential Political Influence of Voluntary Associations," *Public Opinion Quarterly*, Vol. 15, pp. 703-14 (Winter, 1952); *The People's Choice*, pp. 137-58; Berelson *et al.*, *Voting*; and Morris Janowitz and Warren Miller, "The Index of Political Predispositions in the 1948 Elections," *Journal of Politics*, Vol. 14, pp. 710-25 (Nov., 1950).

to his group will result from a victory of one or another candidate generally narrows the scope of "expressive" responses. In other words, when dealing with tax and subsidy matters, the expression of aggression, passivity, projectivity, and authoritarian-submission will be inhibited when they entail the prospect of economic loss, although they may be pressed into the service of the economic interest in the manner or style of argument employed.

4. *The degree to which a person's group memberships create cross pressures.* When a person belongs to groups whose political attitudes are homogeneous, the scope of personality factors is somewhat limited by his narrowed perception of alternatives. When he belongs to several groups whose political views are different, he must choose among them, compromise, or withdraw from the field.

Even if the above four factors are kept constant and the strength of personality forces in the individual himself is fixed, there is another way in which the influence of personality on electoral choice may be varied. Not all elections evoke the same kinds of personality responses. For example, Paul Lazarsfeld suggested (in a recent talk at the Survey Research Center) that the 1896 campaign between Bryan and McKinley might have brought forth a difference between the inner-directed and the other-directed persons of Riesman's typology in a way never again reproduced, whereas the 1928 campaign in which Prohibition was a campaign issue might have been more discriminating on certain elements of the authoritarian syndrome. Each election, then, varies not only in the degree to which it evokes decisions determined by personality, but also with respect to the nature of the personality syndromes which are relevant.

In spite of these various opportunities for personality-shaped determinations, it must be repeated that under many circumstances the social forces, the group memberships, and the stimuli of the media, which have been at the focus of traditional attention, exercise their influence without regard to personality factors. So to speak, they slip unscathed through the screening influences of the personality. It is for this reason, among others, that analyses of political decisions employing solely demographic data and data of exposure to the media have been able to achieve considerable success. Yet always behind the demographic relationships there lurk the unexplored problems of motivation, both for the portion of the vote that is "explained" in this fashion and even more for that portion which is considered deviant.

II. METHOD

Although the literature contains many suggestions of personality factors which might provide the basis for fruitful exploration, the authoritarian "syndrome" isolated by the pathbreaking study on *The Authoritarian Personality*¹¹ has been selected for the following case study. Recent criticism¹² has tended to highlight the methodological weaknesses of this work, but further research with

¹¹ T. W. Adorno, Else Frenkel-Brunswik, Daniel S. Levinson, and R. Nevitt Sanford, *The Authoritarian Personality* (New York, 1950).

¹² Richard Christie and Marie Jahoda, "The Authoritarian Personality," in *Continuities in Social Research* (Glencoe, Ill., 1954), pp. 50-122.

the instruments devised by its authors has amplified our knowledge of the several personality factors involved in the "authoritarian personality" and has corroborated a significant proportion of the original findings.¹³ The set of attitudes which make up the authoritarian syndrome may be briefly described as follows: desire to submit to strong leaders; desire to dominate persons and groups seen as weaker than oneself; tendency to seek destructive and aggressive solutions to problems as contrasted to an attitude of tolerance and compromise; tendency to accept superstitious or supernatural explanations and to avoid scientific explanations; tendency to see individuals as members of favorable or unfavorable types rather than as unique human beings; cynicism regarding other people's motives (and regarding the integrity of the political process); tendency to project one's own motivations upon other people—to see them responding in the same way the individual himself responds; tendency to value conventional attitudes and behavior and to reject deviants—tendency to conformity; tendency to avoid introspection and to "externalize" explanations for the events in one's life (anti-intropection); tendency to see situations in terms of power and to see one's own part in such situations as a function of one's own power and toughness; tendency for sex drives to be inadequately integrated with the rest of the personality, and therefore a fear of sexual impulses.¹⁴

But to move from a promising and indeed demonstrably fruitful concept to a test of the concept in some relevant situation is difficult. The authoritarian personality was originally measured by a battery of thirty items, called the F (for Fascist) Scale. Ten of these thirty items were included in a battery of questions asked of a portion of the national sample, interviewed by the Survey Research Center in their November, 1952, post-election survey, thus opening up an opportunity for significant research on the relation of personality to electoral behavior.

The use of these data, however, posed a number of methodological questions, a few of which must be mentioned. First, there emerged the question of the *representativeness* of the sample. Only a portion (585) of those interviewed in the post-election national survey were asked the authoritarian-equalitarian (AE) questions. Since the 585 were randomly selected from a random stratified sample, there was assurance that they were about as close to a representative national sample as could be secured with this size group. Second, was the question of the *nature of the scale* to be used. It would have been possible to construct a simple Likert-type scale on the basis of all ten of the questions, but this type of scale is open to the criticism of multi-dimensionality; the scale may be measuring more than one dimension of personality. For this reason, after some experimentation a Guttman-type four-item scale (hereafter referred to as "the AE scale") was constructed which met the minimum requirements for this type of scale—a Coefficient of Reproducibility of 90.4.¹⁵ This type of scale has the vir-

¹³ *Ibid.*, pp. 123-96

¹⁴ *The Authoritarian Personality*, pp. 222-79.

¹⁵ The coefficients of error for each question were: 1—7.6; 2—12.7; 3—12.0; and 4—7.4. On computation and use of the Guttman Scale, see L. Guttman, "The Basis for Scalogram

tue of more nearly measuring a single dimension. The items in this scale, with their distributions, are as follows:

1. What young people need most of all is strict discipline by their parents. (agree: 76%; disagree: 23%; NA: 1%)
2. Most people who don't get ahead just don't have enough will power. (agree: 64%; disagree: 35%; NA: 1%)
3. A few strong leaders could make this country better than all the laws and talk. (agree: 51%; disagree: 48%, NA: 1%)
4. People sometimes say that an insult to your honor should not be forgotten. Do you agree or disagree with that? (agree: 25%; disagree: 73%; NA: 2%)

In some ways this four-item scale purports to measure, by a less complex method, an aspect of personality already explored by the authors of the *Authoritarian Personality*. Although there are areas of difference, the series of attitudinal and behavioral relationships obtained with this shorter AE scale do suggest that the scale measures some of the main dimensions of the 30-item F Scale. By and large, the evidence presented below reveals that those who show high authoritarianism on the four-item AE scale are less tolerant of ambiguity, more ethnocentric, more projective (at the lower educational levels), more moralistic, and more tough in their attitude on foreign affairs (at the lower educational levels) than are the equalitarian types.

The demographic characteristics of the authoritarian and equalitarian personalities are of interest, but space permits discussion of only the educational factor. As might be expected, the more education a person has the more likely he is to be equalitarian, but the relationship between education and authoritarianism is not a very close one. Suffice it to say that those with only a grade school education are the most authoritarian group by a moderate margin.

III. POLITICAL PARTICIPATION

✓ Political participation can be conveniently classified in terms of three modes of behavior: (1) non-voting; (2) voting without further political activity; and (3) voting plus such further political activity as going to meetings, ringing doorbells, and contributing funds. How does authoritarianism relate to these levels of participation?

Theoretically, the expectation is unclear. Voting implies faith in a democracy (equalitarian), but it is also a conventional act (authoritarian). Political activity implies social responsibility (equalitarian), but it also suggests power-oriented activity (authoritarian). Other studies have indicated that authoritarians tend to vote less than equalitarians;¹⁶ but since authoritarianism and non-voting are both class-linked and the data are not broken down by classes, one cannot be sure of the validity of this conclusion. Similarly, Fillmore Sanford concludes that "equalitarians are more politically participant"¹⁷ but his

Analysis," in Samuel Stouffer *et al.*, *Measurement and Prediction: Studies in Social Psychology in World War II* (Princeton, 1950).

¹⁶ Morris Janowitz and Dwaine Marvick, "Authoritarianism and Political Behavior," *Public Opinion Quarterly*, Vol. 17, pp. 185-201 (Summer, 1953).

¹⁷ Fillmore H. Sanford, *Authoritarianism and Leadership* (Philadelphia, 1950), p. 159.

data suffer from the same lack of class breakdown, and therefore, the same possible invalidity.

When our data are not broken into two class groups, it also appears that there is a significant personality difference ($p > 5\%$) between authoritarian and equalitarian patterns of participation, but when the class break-down is made, this significance disappears. On the basis of the class-controlled (education) data there appears to be almost no difference in non-voting between the two personality groups and only slight differences ($p > 17\%$) in political activity of the meeting-going, money-giving type.

Yet such evidence in no way proves that the authoritarian syndrome does not play a part in decisions on political participation. It is possible for people to arrive at the same decision for different reasons, to vote for different reasons, and to go to meetings for different reasons. Although with the data at hand we cannot probe deeply into motivation, we can make a rough test of the way two important influences on participation bear on authoritarians and equalitarians in our sample.

The first of these influences is a set of attitudes relating to a person's belief in the effectiveness of voting in a democracy. In a battery of five questions, the Survey Research Center probed people's beliefs on whether public officials "care what people like me think," the effectiveness of the vote in influencing policy, and the sense of bewilderment at the complexity of public problems, summarizing the responses in a score on "sense of political efficacy." Theory would suggest that the authoritarian, with his cynicism and his belief that weak people do not have to be consulted, would score low in such a test. The data for non-high school graduates are given in Table I. There was no significant relationship for the better-educated group.

TABLE I. AUTHORITARIANISM AND SENSE OF POLITICAL EFFICACY FOR
NON-HIGH SCHOOL GRADUATES

Sense of Political Efficacy	Authoritarianism	
	Equalitarian N = 53	Authoritarian N = 147
Low	38%	55%
High	62	45
Total	100%	100%

$$\chi^2 = 5.04 \quad p > 5\%.$$

But if a sense of the importance of his vote helps lead the equalitarian into political participation, why does the authoritarian participate? Is it from a sense of duty? The members of the sample were asked about their concept of a person's duty to vote under various circumstances and were scored on their responses. On the whole, it appears that authoritarians and equalitarians

do not perceive the duty to vote in different ways—it is too heavily laden with cultural approval for such personality dimensions to show through.

Why, then, does the authoritarian vote and become active in approximately the same degree as the equalitarian? It is at least possible that he is responding less to inner feelings of responsibility and self-confidence and more to external pressures. The nature of such pressures is such that they tend to increase with the number of social contacts a person has in a community, or the number of groups to which he belongs. Therefore, greater number of group memberships of authoritarians revealed in Table II is significant in appraising the context of "civic" influences on the two personality groups.

TABLE II. AUTHORITARIANISM AND NUMBER OF FORMAL GROUP MEMBERSHIPS

	Authoritarianism	
	Equalitarian	Authoritarian
Non-High School Graduates	(N = 60)	(N = 172)
0-2 group memberships	72 %	62 %
3 or more group memberships	28	38
Total	100 %	100 %
High School or College Graduates	(N = 68)	(N = 97)
0-2 group memberships	68 %	51 %
3 or more group memberships	32	49
Total	100 %	100 %

$$\chi^2 = 6.58 \quad p > 5\%.$$

Yet the data probably have another meaning as well. The very thing which makes the authoritarian a joiner of groups (although, according to Sanford,¹⁸ not a leader) may also make him politically active: that is, it is the perception of some personal or material advantage which makes him both join groups and work for a political party. Sanford has shown that the authoritarian, more than the equalitarian, is reluctant to join the less prestigious groups but eager to "head up" some community committee work.¹⁹ Similar considerations probably enter into the authoritarian's calculations regarding political activity.

From the evidence, therefore, it appears that although there is little difference in voting and political activity between the two personality groups, there may be differences in the personal meanings of these forms of participation to the two groups. The equalitarian, in part at least, seems motivated by a feeling that his voice in a democracy is significant; the authoritarian may be responding more to the group (conventional) pressures around him, and to the hope of some increment in prestige and power associated with his political activity.

¹⁸ *Authoritarianism and Leadership*, p. 181.

¹⁹ *Ibid.*, pp. 159-69.

IV. ORIENTATION

While this portrayal of personality forces operating covertly in a series of political acts helps to illuminate the level of participation, it does nothing to reveal the direction. Other studies have suggested that there is a relationship between ideology and authoritarianism,²⁰ between Communist party identification and authoritarianism,²¹ and between candidate orientation at the rightist margin and authoritarianism.²² This last study, however, also shows that in the spring of 1952 there were only minimum differences between Eisenhower and Stevenson supporters at the upper-income level, and the Adorno study shows the small difference in authoritarianism between "Willkie Republicans" and "New Deal Democrats" in 1946 and 1947. Theoretically, therefore, there was no clear reason for assuming that the vote in the 1952 election would reflect important differences in authoritarian personality orientation. The data are given in Table III.

TABLE III. AUTHORITARIANISM AND THE 1952 VOTE PREFERENCE

1952 Vote and Vote-preference of Non-voters	Authoritarianism	
	Equalitarian	Authoritarian
Grade School	(N = 30)	(N = 124)
Democratic	60 %	49 %
Republican	40	51
Total	100 %	100 %
High School	(N = 70)	(N = 98)
Democratic	51 %	34 %
Republican	49	66
Total	100 %	100 %
College	(N = 26)	(N = 41)
Democratic	38 %	24 %
Republican	62	76
Total	100 %	100 %

$$\chi^2 = 8.60 \quad p > 5\%.$$

The interrelationship of personality, education, and the 1952 vote shows a pattern of some interest. It is clear that at every educational level authoritarianism tends to be associated with the Republican party. Furthermore, it is

²⁰ *The Authoritarian Personality*, pp. 151-207.

²¹ See Edward A. Shils, "Authoritarianism: 'Right' and 'Left'," in *Continuities in Social Research* (cited in note 12), pp. 24-49.

²² See Ohmer Milton, "Presidential Choice and Performance on a Scale of Authoritarianism," *The American Psychologist*, Vol. 7, pp. 597-98 (Oct., 1952).

pertinent to note that those at the middle level of education, the high school graduates who did not go to college, are most influenced by the personality dimension. It is at this level, roughly upper working and lower middle class, where social group memberships exert cross pressures, and, as noted above, cross pressures open up the way for personality influences which are blocked out by solidly partisan group identifications.

If it is legitimate to make a rough equivalence between education and socio-economic status, certain of the cell groups are especially significant. The authoritarian grade-school Republicans and equalitarian college Democrats suggest the influence of personality operating not merely to structure an ambivalent situation but in opposition to socio-economic pressures. These may be the groups for whom personality influences are the greatest of all. The equalitarian grade-school Republicans and authoritarian college Democrats represent groups for whom both socio-economic and personality forces are thwarted by some other more significant force, such as regional party loyalty, religious identification, or a particular stand on the issues of the day.

The relation of education to personality (authoritarianism) differences between the parties tells us something about the way in which equalitarians and authoritarians at every educational level behave politically. Their voting history is also informative in this respect. If one were to ask, for example, whether it was something distinctive about the 1952 election that attracted the authoritarians to the Republican standard, a clue would be given by the 1948 vote of each group. Examination of the data in Table IV shows that, on balance, the

TABLE IV. AUTHORITARIANISM AND THE 1948 AND 1952 VOTE

Voting Decision	Equalitarian		Authoritarian	
	1948	1952	1948	1952
	(N = 126)	(N = 127)	(N = 247)	(N = 241)
Democratic	37%	41%	36%	30%
Republican	21	38	28	43
Non-Voters	42	21	36	27
Total	100%	100%	100%	100%

$$\chi^2 = 20.87 \quad p > 1\%.$$

1952 election had, in a small degree, opposite effects on the Democratic vote in the two personality groups, and that these effects were largely the result of the effects upon the non-voters. Put differently, 1948 equalitarian non-voters divided between Democrats and Republicans, while 1948 authoritarian non-voters probably went solidly for Eisenhower. In addition, some 1948 authoritarian Democrats switched to Eisenhower.

But, as with the problem of participation, once the fact of difference has been established, the explanatory hypotheses crowd the stage. Why, in 1952, were authoritarians drawn to vote for the Republican candidate, General Eisen-

hower? The line of attack on this question will use three elements in the vote decision: party identification; position on current and relevant issues; and attitudes towards the candidates.

Party Identification. Party identification, that is, a sense of personal attachment to a political party, is a significant feature of a man's group orientation; it helps him to decide not only which candidate to support but also which issues to endorse and to oppose. It is related to many things which define a man's living space, such as his family and friends, his religion, and his socio-economic status. In view of this significance, how do authoritarians and equalitarians tend to relate themselves to political parties? The data are presented in Table V.

TABLE V. AUTHORITARIANISM AND PARTY IDENTIFICATION

Party Identification	Authoritarianism	
	Equalitarian	Authoritarian
	(N = 117)	(N = 241)
Democratic	48 %	47 %
Independent	35	23
Republican	17	30
Total	100 %	100 %

$$\chi^2 = 9.71 \quad p > 1\%.$$

Among other things, it is clear that there are many more Democratic party identifiers than Republican party identifiers or independents. One consequence of this fact is that for both equalitarian and authoritarian groups, there are more Democratic partisans than Republican partisans. The significant feature is the difference in proportion of partisans in each personality group. Among the partisans, the equalitarians are about nine to three Democratic, while the authoritarians are only about five to three Democratic, a relationship due partly to socio-economic factors. It is also clear that the equalitarian is more likely to be independent (tolerant of ambiguity)²³ than the authoritarian. Put another way, one might say that personality (authoritarianism) does not make so much difference in terms of identification with the Democratic party, but does make a lot of difference as to whether one says he is an independent or a Republican. For those who do not identify with the Democratic party (because of demographic considerations, group pressures, or ideological conviction), authoritarian motivations will move them towards Republican partisanship, while equalitarian considerations will move them toward an independent position.

Although it would be fruitless to attempt here to catalog the many kinds of attitudes which impel a man to identify with one party rather than another

²³ *The Authoritarian Personality*, pp. 461 ff.; 480 ff.

as a regular feature of his orientation, surely one of the elements in this choice lies in his perception of the kind of group with which he is aligning himself. It was clear enough in the Survey Research Center study of the 1952 election, for example, that most members of the electorate perceived the Democratic party as being more closely associated than the Republican party with labor union members, and the Republican party as being more closely linked than the Democratic party with big business. For those people who regard unions as a negative reference group, and who wish to disassociate themselves from unions and possibly the working class in general, identifying with the Republican party offers a means of so doing; and in reverse the same thing is true of "big business." Equally, it is true that for those who wish to vote Democratic for other (family, regional, economic) reasons, a means of escape from this conflict is offered by changing the perception of the disliked labor union group so that one "doesn't know" how union members will vote, or so that they are seen as voting Republican. Projection of this kind offers a kind of index to the social distance a person wishes to place between himself and a specified group.

Specifically, we would hypothesize that authoritarians would tend to disidentify from whatever party they perceived as the party of Negroes, immigrants, and "social inferiors." If this were true, authoritarians would tend to see these groups voting for the other party rather more than did the equalitarians; that is, their effort to identify with the more respectable party would be measured by their projective perceptions of the way the less prestigious groups voted. This hypothesis can be tested with perceptions of the Negro vote in 1952. The data for the better-educated group (high school or college graduates) who stated a perception on this point are given in Table VI.

TABLE VI. AUTHORITARIANISM AND WHITE PERCEPTION OF THE NEGRO
VOTE AMONG HIGH SCHOOL OR COLLEGE GRADUATES

Perception of the Negro Vote	Equalitarian	Authoritarian
Negroes will vote "like me" i.e., Democrats think Negroes will vote Democratic, Republicans think Negroes will vote Republican.	(N = 44) 59%	(N = 74) 41%
Negroes will not vote "like me," i.e., Democrats think Negroes will vote Republican, Republicans think Negroes will vote Democratic.	41	59
Total	100%	100%

$$\chi^2 = 3.99 \quad p > 5\%.$$

Why this relationship attains significance only among the better-educated portion of the population is not clear, although the presence of "split" and "don't know" categories left the less well-educated groups means of "escape," which they used relatively more frequently. What the data suggest, however, is that political parties are reference groups with positive and negative images in

the minds of the electorate and that further research into the properties of these reference groups might be rewarding.

Political Issues. The part which political issues play in national elections has never been adequately appraised and certainly not measured. The lore of political science is filled with historical judgments: the Democrats lost the 1920 election on the question of the League of Nations and the issue of "normalcy"; the Republicans lost New York in 1884 because of a "rum, Romanism, and rebellion" statement left uncorrected by James G. Blaine; Woodrow Wilson won the 1916 election on the basis of an implied pledge to keep the United States out of war, and so forth. More recently Campbell, Gurin, and Miller have minimized the role of issues in the 1948 election, while Julius Turner elevates them into a much more significant position in that election.²⁴ The relative importance of issues, candidates, and traditional party loyalties assumes varying proportions in each campaign and there remains much to be done in discovering how each of these factors, and particularly issues, relate to other campaign phenomena.

Whatever their particular influence in each election, issues are significant features of the electoral process and the stand a person takes on the important issues of the day will contribute to his electoral decision.²⁵ The extent of the awareness of the issues of the day taken all together will, of course, vary greatly in the population, just as the significance of any one issue will be differently appraised by different people. Here, again, personality will affect this determination. An illustration of this is provided by the "coders'" estimates of the main reason why each respondent in the 1952 study who had arrived at a vote decision prior to election day would cast his ballot as he planned. (The coders were neutral staff persons in the Survey Research Center who were required to go through every interview and indicate how the interview was to be coded on the IBM cards.) Although in a number of areas there were no differences, it appeared that equalitarians were more likely to be concerned with domestic issues and authoritarians with foreign policy (projective?) issues. Of more significance, perhaps, is the finding that of the 35 cases of persons whose main reason for voting for Eisenhower was the corruption issue, the distribution was as follows: equalitarians, 17 per cent; medium, 26 per cent; authoritarians, 57 per cent. Although the number is small, the evidence suggests that the authoritarian is, in politics as elsewhere, more concerned with conventional moral values than is the equalitarian; if he is a reformer, he is a moralistic reformer and not a social reformer.

The Survey Research Center study makes the statement that the voters favored Eisenhower "because a central aspect of his appeal was his presumed ability to do something personally about Korea and the cold war."²⁶ How does personality relate to voters' attitudes on Korea? If it could be shown that per-

²⁴ See Julius Turner, "Responsible Parties: A Dissent from the Floor," this REVIEW Vol. 45, pp. 143-52 (March, 1951).

²⁵ See *The Voter Decides*, pp. 112-35.

²⁶ *Ibid.*, p. 67.

sonality factors such as authoritarianism were related to popular attitudes on Korea, it would follow that personality probably made some contribution to vote decision in 1952.

Curiously enough, in the attitudes on foreign policy authoritarianism plays a role only among those who have at least some high school education. Although this was not expected, in retrospect one might argue that those with less education either answer "don't know" or, if they have views on foreign policy, take their cues from their party alignment in a way not true of the better-educated groups. Earlier we made the inference that lower-class individuals are less influenced than others by personality considerations in their party choice because of the preponderance of group and demographic forces. It now appears that this holds true for issues as well as for party identification.

Specifically, on the Korean question we would hypothesize that the authoritarian would be less likely to tolerate continued peaceful negotiation in Korea at a time when progress there seemed minimal (intolerance of ambiguity) and would prefer a policy either of pulling out or of bombing the Chinese and committing other aggressive acts (authoritarian aggression and destructiveness, orientation toward power and toughness). The data for the better-educated groups controlled for the 1952 vote decision, are given in Table VII.

TABLE VII. AUTHORITARIANISM AND ATTITUDES ON UNITED STATES
KOREAN POLICY AMONG HIGH SCHOOL OR COLLEGE GRADUATES

Policy	Authoritarianism and the 1952 Vote			
	Democrats		Republicans	
	Equali- tarian	Authori- tarian	Equali- tarian	Authori- tarian
	(N = 42)	(N = 39)	(N = 58)	(N = 98)
Pull out of Korea entirely	5%	15%	5%	14%
Keep on trying to get a peaceful settlement	67	49	38	29
Take a stronger stand and bomb Manchuria and China	26	36	48	52
Other	2	0	9	5
Total	100%	100%	100%	100%

$$\chi^2 = 8.26 \quad p > 10\%.$$

The evidence tends to support the hypotheses, although the relationship is least strong (where we would expect it to be strongest) in the "bomb China" responses. In certain areas of foreign policy, then, we may say that the personality dimension of authoritarianism tended to contribute to or to reinforce a decision to vote for the Republican party in 1952.

The most salient question among the various domestic policies was the overall attitude towards what may be referred to as "welfare-statism," the notion

that the state should serve the interests of the less privileged through housing, health, and social security measures. It is not normally associated with governmental aids to the business community or subsidies to manufacturers. For the lower-income groups, then, it has a quality of self-interest which obscures and overrides the relationship of personality (authoritarianism) to attitudes toward the welfare state, but there is no such clear self-interest (except indirectly, the tax interest) for the upper income and education groups. For these latter groups, in accordance with our theory of the circumstances which facilitate the influence of personality, some relationship might be expected.

On the question of services to lower-income groups, one would hypothesize that among the better educated, the equalitarians would be more likely to favor welfare services than would the authoritarians. The responses of those who wanted more governmental services and those who wanted less are compared in Table VIII. "About right" responses were ambiguous (conventional or "liberal"?) and hence not included in the analysis.

TABLE VIII. AUTHORITARIANISM AND ATTITUDES TOWARD THE "WELFARE STATE,"
AMONG HIGH SCHOOL OR COLLEGE GRADUATES*

	Authoritarianism and the 1952 Vote			
	Democrats		Republicans	
	Equali- tarian	Authori- tarian	Equali- tarian	Authori- tarian
	(N = 22)	(N = 18)	(N = 28)	(N = 46)
Not enough	86%	78%	61%	26%
Too much	14	22	39	74
Total	100%	100%	100%	100%

$\chi^2 = 9.38$ $p > 1\%$.

* Determined by the question "Some people think the national government should do more in trying to deal with such problems as unemployment, education, housing, and so on. Others think that the government is already doing too much. On the whole, would you say that what the government has been doing is about right, too much, or not enough?"

The hypothesis is confirmed, although the relationship is much more significant among the Republicans and the numbers involved are small. On the whole; it would seem that for the equalitarian Republicans who believed in more governmental services (17 in number), a force had been set in motion which, given the right circumstances, would make them more likely than most Republicans to switch to the Democratic party.

It is important, however, to issue a *caveat* at this point, and to raise the possibility that issue-orientation may be the result of a vote decision, as well as a contributing cause. Belknap and Campbell have demonstrated the manner

in which certain policy attitudes flow from party identification,²⁷ and Lazarsfeld and associates have shown how a person resolves his cross pressures in a voting situation by adjusting his attitudes so that they are in conformity with his vote preferences.²⁸ Using only the partisan attitudes employed in this paper, the sequence of events, then, could take any one of three forms:

1. Party identification → vote decision
 - ↗ candidate preference
 - ↘ position on issues
2. Position on issues → vote decision
 - ↗ candidate preference
 - ↘ party identification
3. Candidate preference → vote decision
 - ↗ position on issues
 - ↘ party identification

Party identification in the second and third forms, of course, would not be likely to develop out of a single election.

Candidate Orientation. The literature of political science has dealt extensively with the problem of candidate appeal to the electorate. Much of this discussion has been in terms of the demographic or experiential characteristics of the candidates, such as the advantage of a humble origin, the advantage or disadvantage of military titles, the handicap of being a non-Protestant and the importance of coming from a pivotal state. To some extent the personality of the candidate has entered into discussion, as in references to Wilson's coldness, Roosevelt's charm, and Dewey's apparent conceit. Furthermore, to an increasing degree the personality of the electorate or constituency has come under examination, as in Sanford's Philadelphia study,²⁹ James Davies' study of charisma in the 1952 election,³⁰ Hyman and Sheatsley's analysis of Eisenhower's appeal,³¹ and studies of the followers of American demagogues.³²

On the surface it appears that the 1952 election offers a unique opportunity for studying the part which personality plays in drawing people toward one or another political candidate. It was hypothesized, for example, that the authoritarian, more than the equalitarian, would be drawn toward Eisenhower, partly because he was endowed with the attributes of a victorious general, partly because he was presented as a "strong" leader, a role which he himself attempted to enhance by his selection of the term "crusade" to describe his campaign, and

²⁷ "Political Party Identification and Attitudes toward Foreign Policy" (cited in note 6), pp. 621-22.

²⁸ *The People's Choice*, pp. 56-64.

²⁹ *Authoritarianism and Leadership* (cited in note 17). See also Dorothea E. Johannsen, "Reactions to the Death of Roosevelt," *Journal of Abnormal and Social Psychology*, Vol. 41, pp. 218-22 (April, 1946).

³⁰ James C. Davies, "Charisma in the 1952 Campaign" (cited in note 7).

³¹ Herbert Hyman and Paul Sheatsley, "The Political Appeal of President Eisenhower," *Public Opinion Quarterly*, Vol. 17, pp. 443-60 (Winter, 1953-54).

³² See Bruno Bettelheim and Morris Janowitz, "Reactions to Fascist Propaganda—A Pilot Study," *Public Opinion Quarterly*, Vol. 14, pp. 52-60 (Spring, 1950).

partly because his opponent could well have been seen as a weak and indecisive intellectual. With this hypothesis in mind, an effort was made to test the relation of personality to the perception of the candidates.

A precondition of this test was the elimination of those who supported a candidate because he was their party's candidate or because his position on issues was more congenial to them. The first step, therefore, was to select all of those who responded to open-ended questions on the candidates in personal terms ("I like him," or "He is a marvelous man"). With data available on these responses, several hypotheses seemed plausible and were tested. The first of these was to the effect that authoritarians would respond more to candidates in this way than would equalitarians, a hypothesis in line with the theory expressed in *The Authoritarian Personality* that authoritarians tended to personalize politics.³³ The data showed that there was no such relation, at least as measured by the number of voluntary responses of this character.

A second hypothesis was to the effect that the group limiting its comments to pro-Eisenhower and anti-Stevenson statements would be more authoritarian, an hypothesis not borne out by the data. One of the interesting findings, incidentally, was that one of the most authoritarian patterns of response was given by those who made only favorable references to Stevenson with no other personal references of any kind. Inspection of the data, however, showed that most of the equalitarian patterns included some critical remarks about Eisenhower, whereas most of the authoritarian patterns did not. The data were then arranged as shown in Table IX.

The similarity of responses of equalitarians and authoritarians suggests that the authoritarian syndrome is unrelated to attitudes towards Stevenson and Eisenhower. Yet since this facet of personality is related to attitudes on political issues, to party identification, and to some elements of participation, it seems likely that it is also related to the selection of the candidate. As in the case of political participation, it seems probable that authoritarians and equalitarians arrived by different routes at similar decisions on the candidates. To some, "Ike" may have appeared as a *warm, friendly, democratic man*; to others he may have been a *strong, military leader* who would shoulder the nation's burdens; to still others, he may have been specially trained in international affairs and hence a *competent man* who might solve the problems posed by the Korean war; in short, his special strength may have been the ambiguity of his public personality.

That there is a difference in the basis of support for the two candidates is suggested, although not proved, by the figure in Table IX. Equalitarians tend to support Eisenhower as much as do the authoritarians, but they are also markedly ($p > 11\%$) more critical. What is the meaning of this?

One interpretation might be that equalitarians liked Eisenhower as much as did the authoritarians, but voted Democratic either because they liked Stevenson better or because of the greater influence of party identification and issue orientation.

³³ *The Authoritarian Personality*, pp. 664-71.

TABLE IX. AUTHORITARIANISM AND CRITICISM AND SUPPORT
OF EISENHOWER AND STEVENSON

Expression of Criticism and Endorsement	Equalitarian (N = 121)	Authoritarian (N = 251)
Expressed criticism of Eisenhower in personal terms	60 %	48 %
Did not express criticism of Eisenhower in personal terms	40	52
Total	100 %	100 %
Expressed endorsement of Eisenhower in per- sonal terms	72 %	68 %
Did not express endorsement of Eisenhower in personal terms	28	32
Total	100 %	100 %
Expressed criticism of Stevenson in personal terms	37 %	43 %
Did not express criticism of Stevenson in per- sonal terms	63	57
Total	100 %	100 %
Expressed endorsement of Stevenson in per- sonal terms	58 %	56 %
Did not express endorsement of Stevenson in personal terms	42	44
Total	100 %	100 %

Another possible interpretation is that while the equalitarian is capable of neutral and detached attitudes toward political leaders, the authoritarian tends to see competing leaders in black and white terms, endorsing one and criticizing the other.

A third interpretation, based upon the theory of the origin of authoritarianism, is that each group sees the political leader as a father image modeled after his own father, the authoritarian recalling a father whom it was unsafe to criticize publicly, and the equalitarian remembering a less frightening father, a person about whom one could be objective.

Whatever the correct interpretation, it appears that the factors that led the authoritarians to be uncritical of Eisenhower may have been important in their vote decision. On the other hand, the factors that led the equalitarians to be generous in their praise for Eisenhower were apparently less important in theirs. Expressed in another way regardless of personality, criticism may be a better index of candidate preference than is support of a candidate.

SUMMARY

We have suggested a theory for the part which personality features play in electoral choice, showing the manner in which they affect a man's perception of his economic interests, group memberships, and the stimuli of the media, and the manner in which they shape political responses through certain politically relevant attitudes. Taking the authoritarian syndrome for illustrative purposes, we have shown its influence upon political participation (voluntary "persuasive" activities and voting) in terms of a sense of political efficacy and the effect of multiple group memberships. It was suggested that these two influences had differential effects on equalitarians and authoritarians, often balancing out and leading them to participate politically in approximately equal degree.

In terms of political orientation, it appeared that authoritarians were relatively more Republican in 1952 and that this Republican orientation had increased since 1948 in two ways: a defection from authoritarian (1948) Democrats and an increase of Republican voters from the ranks of authoritarian (1948) non-voters. The Republicanism of the authoritarians was due partly to a greater traditional identification with the Republican party, which in turn could be traced partly to disidentification with the underdog groups seen as allied to the Democratic party. The better-educated authoritarians' position on Korea is in accord with what would be expected of people with this personality characteristic and is in accord with the position of the Republican party; and the same is true of their position on the welfare state. With respect to their candidate orientation, authoritarianism seems to inhibit criticism of General Eisenhower but not to be associated with praise of the General in personal terms. The relationships revealed by the data suggest that the ambiguity of the electoral image of Eisenhower may have led both authoritarians and equalitarians to perceive in him traits congenial to their own respective personality structures.

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BIBLIOGRAPHICAL ARTICLE

METHODOLOGY FOR POLITICAL SCIENTISTS: PERSPECTIVES FOR STUDY*

The term methodology has no generally approved meaning among political scientists. If used by them at all up to a decade or so ago, it was likely to refer only to procedures for collecting and examining data. Today, as one goes forward in a careful search for the foundations of systematic study of political science and realizes how much is involved in that term, uncertainties as to where to start and stop increase. Anyone who has made a serious attempt at such exploration will surely allow a wide discretion to the person who undertakes to prepare a guide to study.

This article presents a list of materials believed to be useful to the political scientist who is starting his exploration of the foundations for systematic study of his subject. It is hoped that the titles are the more significant items in a wide range of literature which (1) places the study of social affairs (social science) in the whole field of scholarly inquiry and knowledge, (2) places the study of political science in the larger field of social science, (3) helps to identify the most significant objectives of inquiry in a variety of subject matter, and (4) gives suggestions as to how problems may be studied.

To explore thoroughly all the questions which arise in these areas of concern would require practically encyclopedic reading in the fields of epistemology, logic, philosophy of science, and scientific method; a substantial acquaintance with the methods and accomplishments of the tougher sciences and the humanities; and, of course, a thorough knowledge of the preoccupations, methods, and accomplishments of the various social sciences. In reporting on this vast literature, we have been guided by certain notions as to what is most important for political scientists to learn. Obviously, we want lessons or insights which will help us in our study of those aspects of groups, institutions, human behavior, and history, designated generally as political. But the central problem of method is the way in which we go about this study. This involves the way in which we perceive and evaluate the phenomena we call the world, the way in which we select a portion of this world for our particular study, and the way in which we determine not so much what problems should be studied as what problems can be studied. These basic conceptions will set the framework within which further methodological problems must be considered—problems of abstraction, significance, tests of validity, and the inter-relationships of empirical data, generalizations, and theory.

With these conceptions of what is involved in methodology, we have listed, first, materials dealing with the broad questions of what is knowledge and belief, what are the methods of knowing, and what appear to be the limits of these methods. These questions are traditionally the subject matter of episte-

* Reprints of this article may be obtained on request to the Curriculum Development Project, Political Science Department, Northwestern University, Evanston, Illinois.

mology, logic, philosophy of science, scientific method, and semantics. A second major group of materials consists of books on the emergence and development of science. One finds here the best account of the growth of scientific method from its crude beginnings. Furthermore, the examination of actual cases of scientific inquiry coupled with the generalizations about method, which constitute the philosophy of science, should give students of social affairs a clearer idea of the applicability or nonapplicability of particular types of scientific method to their inquiry. In this category we have placed some readings from biology, believing that the methodological problems of the life sciences are closely related to those of the social sciences. The life sciences are still largely in the descriptive stage, deal with units which are animate, and investigate and explain behavior which is in some measure comparable to that of human beings. Third are some items dealing with the relation of the social structure and prevailing belief systems to the development of scientific method and knowledge in general. These materials have been included because of the belief that understanding of this relationship will throw light on the common contention that social science is of necessity "culture-bound." The fourth category of materials cited consists of literature on scope and method in the social sciences. Here appear items dealing with the history of social science, literature on method in the social sciences in general, and discussions of whether social study is or can be scientific. The fifth and final category includes materials on scope and method in political science. It may seem that a bibliographical article on methodology for political science should get down to these materials much earlier. These have been put last because of a conviction that political science has yet to develop a unique method, and a belief that knowledge of the problems of other disciplines is essential if we are to pursue this question of method to fruitful ends.

I. THE PROBLEM OF KNOWLEDGE

For one who is unfamiliar with epistemology, some of the more elementary texts in philosophy provide good starting points. One of the best is Lewis W. Beck, *Philosophic Inquiry: An Introduction to Philosophy* (Prentice-Hall, New York, 1952). Other basic texts are Durant Drake, *Invitation to Philosophy* (Houghton-Mifflin, New York, 1933), and G. W. Cunningham, *Problems of Philosophy* (Holt, New York, 1924). Not quite as elementary and giving greater attention to problems which will interest social scientists are Harold Benjamin, *An Introduction to Human Problems* (Houghton-Mifflin, Boston, 1930); W. H. Werkmeister, *The Basis and Structure of Knowledge* (Harper, New York, 1948); C. West Churchman and R. L. Ackoff, *Methods of Inquiry: An Introduction to Philosophy and Scientific Method* (Educational Publishers, St. Louis, 1950). The last work presents main points of view and arguments concerning rationalism, empiricism, positivism, and logical-positivism by means of excerpts from such writers as Plato, Aquinas, Descartes, Leibniz, Locke, and Hume. A more advanced discussion is given in Morris R. Cohen, *Reason and Nature: An Essay on the Meaning of Scientific Method*

(Harcourt, Brace, New York, 2nd ed., 1953). Many people think this is the best treatment to date on supposition, belief, and knowledge. Also concerned with the problem of knowledge is Arthur F. Bentley and John Dewey, *Knowing and the Known* (Beacon, Boston, 1949), which may be of special interest to political scientists because of Bentley's earlier work, *The Process of Government* (University of Chicago Press, Chicago, 1908, reprinted by Principia Press, Bloomington, Indiana, 1949). *Knowing and the Known* is reviewed by C. W. Churchman and T. A. Cowan in "Discussion of Dewey and Bentleys' Postulations," *Journal of Philosophy*, Vol. 43, pp. 217-19 (April 11, 1946). Somewhat different in their approach because of a de-emphasis of scientific method are Arthur Murphy, *The Uses of Reason* (Macmillan, New York, 1943); N. O. Lossky, *The Intuitive Basis of Knowledge* (Macmillan, London, 1919); and C. I. Lewis, *An Analysis of Knowledge and Valuation* (Open Court, La Salle, Illinois, 1947).

One might argue that a limited amount of reading from some of the books just cited is sufficient attention to the philosophic aspects of method for political scientists, at least if supplemented by such a systematic work as Morris Cohen and Ernest Nagel, *Introduction to Logic and Scientific Method* (Harcourt, Brace, New York, 1934). Avery Leiserson, for example, in his excellent article, "Problems of Methodology in Political Research," *Political Science Quarterly*, Vol. 68, pp. 558-84 (Dec., 1953), says "The preponderant weight of distinguished thought on the subject warns of the slight gains to be derived from reading or talking about method in general, or from evaluating the belief-postulates of conflicting logical or philosophical schools." We are unable to agree with him and have proceeded on the assumption that it will be helpful to the political scientist to look into the material on the philosophical schools of thought and on method in general so that he may be more articulate about his own belief postulates and more aware of their bearing on his methods of study and research. In the following materials, which are only a sample of the literature, the analyses of the assumptions necessary for the ordering of data and of the methods by which knowledge is gained and accumulated are worthy of our attention as political scientists.

Practically any of the numerous works of John Dewey or William James will give the pragmatist background which has been so influential in the philosophy of science and in the social sciences. James, *Pragmatism* (Longmans, Green, New York, 1907), and Dewey, *How We Think* (Heath, Boston, 1910) are representative. Charles W. Morris, *Logical Positivism, Pragmatism, and Scientific Empiricism* (Hermann, Paris, 1937) is a penetrating analysis of these schools of thought. Bertrand Russell is another philosopher whose writings cover the whole range of the problems of inquiry. His *Human Knowledge: Its Scope and Limits* (Simon and Schuster, New York, 1948) and *The Scientific Outlook* (Norton, New York, 1931) are perhaps most applicable here. Henri Poincaré, *Foundations of Science* (Science Press, New York, 1913), Ernst Mach, *The Science of Mechanics* (Open Court, La Salle, Illinois, 1902), and Karl Pearson, *Grammar of Science* (Dent, London, 1937) represent probably the extreme of the logico-empirical

approach. Of the three, *Grammar of Science* is the most easily read. Hans Reichenbach, *The Rise of Scientific Philosophy* (University of California Press, Berkeley, 1951), and *Experience and Prediction* (University of Chicago Press, Chicago, 1938), are extremely stimulating books; the former is recommended for the beginner.

Although some of his theses are controversial, several of the books of F. S. C. Northrop are stimulating. His *Science and First Principles* (Macmillan, New York, 1931) is interesting, but his view of conceptualization developed in *The Logic of the Sciences and the Humanities* (Macmillan, New York, 1947) seems most applicable to the problem of concepts in the social sciences. Rudolph Carnap, *The Unity of Science* (Paul, Trench and Trubner, London, 1934), is a tightly constructed argument for the underlying unity of all subjects of study and for the applicability of the scientific method to all. David L. Miller discusses "The Unity of Science Movement" in the *Southwestern Social Science Quarterly*, Vol. 26, pp. 252-59 (Dec., 1945). Henri Poincaré, *Science and Method* (Nelson, New York, 1914), Abraham Wolf, *The Essentials of Scientific Method* (Allen and Unwin, London, 2nd ed., 1928) and A. D. Ritchie, *The Scientific Method* (Harcourt, Brace, New York, 1923) are all excellent, thorough treatises on the nature of scientific method with particular reference to the natural sciences.

All of the materials cited above can be read with a minimum of knowledge of the physical sciences. Some of the writing on philosophy of science, particularly the philosophy of modern physics, is less easily mastered, but must be read for the most sophisticated thinking on method and the problem of knowledge. For those who wish to explore this more difficult literature, the following seem representative: P. W. Bridgman, *The Logic of Modern Physics* (Macmillan, New York, 1927); A. S. Eddington, *The Philosophy of Physical Science* (The University Press, Cambridge, Eng., 1939); Philipp Frank, *Modern Science and Its Philosophy* (Harvard University Press, Cambridge, Mass., 1949); Max Planck, *The Philosophy of Physics* (Norton, New York, 1936) and *Where Is Science Going?* (Norton, New York, 1932). Alfred North Whitehead, *Science and the Modern World* (Macmillan, New York, 1925), provides a good foundation, not only for the understanding of the development of science, but also of the organismic concept which appears to be of increasing importance in both physics and philosophy, serving to bring closer together the natural sciences and the life sciences. Some other volumes which should be mentioned here are Norman Campbell, *What Is Science?* (Dover Publications, Inc., New York, 1952); W. H. Werkmeister, *A Philosophy of Science* (Harper, New York, 1940); A. G. Ramsperger, *Philosophies of Science* (Crofts, New York, 1942); and Philip Wiener, ed., *Readings in the Philosophy of Science* (Scribner, New York, 1953); Herbert Feigl and May Brodbeck, *Readings in the Philosophy of Science* (Appleton-Century-Crofts, Inc., New York, 1953).

The *International Encyclopedia of Unified Science* (University of Chicago Press, Chicago, 1938) has a number of significant essays on method. Vol. 1, No. 1 contains several short items, three of which are especially clear state-

ments—one on the importance of logic both in the deductive and empirical sciences (by Bertrand Russell), one on science as a body of ordered knowledge (by Rudolph Carnap), and one on scientific empiricism (by Charles W. Morris). Numbers 2 through 8 in the same volume provide short treatments of some quite technical subjects, as follows: Charles W. Morris, *Foundations of the Theory of Signs*; Rudolph Carnap, *Foundations of Logic and Mathematics*; Leonard Bloomfield, *Linguistic Aspects of Science*; Victor F. Lenzen, *Procedures of Empirical Science*; Ernest Nagel, *Principles of the Theory of Probability*; Philipp Frank, *Foundations of Physics*; and E. Finlay-Freundlich, *Cosmology*.

There are several publications which have many excellent articles bearing on the kind of methodological problems discussed above. Some articles in these journals which may be especially useful are: Lewis W. Beck, "The Distinctive Traits of an Empirical Method," *Journal of Philosophy*, Vol. 44, pp. 337–44 (June 19, 1947); John Hospers, "On Explanation," *Journal of Philosophy*, Vol. 43, pp. 337–56 (June 20, 1946); L. O. Kattsoff, "Observation and Interpretation in Science," *Philosophical Review*, Vol. 56, pp. 682–89 (Nov., 1947); David L. Miller, "Explanation vs. Description," *Philosophical Review*, Vol. 56, pp. 306–12 (May, 1947); Rudolph Carnap, "Testability and Meaning," *Philosophy of Science*, Vol. 3, pp. 420–71 (Oct., 1936), and Vol. 4, pp. 1–40 (Jan., 1937); and Alfred Scheutz, "On Multiple Realities," *Philosophy and Phenomenological Research*, Vol. 5, pp. 533–75 (June, 1945).

Also included in the discussions of scientific method are analyses of the limitations of science—acknowledgements of the kinds of questions scientific method does not answer. There is a wide variety of literature of this type. The best of it appears to be that written by men who are thoroughly familiar with scientific method and the accomplishments of the natural sciences. A very good and readable little book is James Conant's *Modern Science and Modern Man* (Columbia University Press, New York, 1952). Two other books on the popular level which emphasize the relation of science to the problems of human conduct are Max Otto, *Science and the Moral Life* (Mentor Books, New York, 1949), and Arthur Compton, *The Human Meaning of Science* (University of North Carolina Press, Chapel Hill, 1940). The latter's discussion of human freedom in a world of laws of nature is more or less a condensation of his earlier work, *The Freedom of Man* (Yale University Press, New Haven, 1935). Helpful also among books of this type are Norman Campbell, *What is Science?* (previously cited); D. W. Hill, *Science* (Chemical Publishing Co., New York, 1946); and F. Sherwood Taylor, *Concerning Science* (Macdonald, London, 1949). Two much longer treatises are Louis T. More, *The Limitations of Science* (Holt, New York, 1915), and J. W. N. Sullivan, *The Limitations of Science* (Viking, New York, 1933). Fernand Renoirte, *Cosmology: Elements of a Critique of the Sciences and Cosmology* (Trans. from the 2nd ed., Wagner, New York, 1950), written from the Thomist point of view, is another excellent book whose main point is that science describes (measures) but does not explain the nature of reality. A view of the limitations of science by one of the greatest contributors to scientific advance is Max Planck, *Where is Science Going?* (cited above). An older but

useful book is Henri Bergson, *An Introduction to Metaphysics*, tr. by T. E. Hulme (Putnam, New York and London, 1912).

For briefer, more compact consideration of what can be done and what apparently cannot be done by scientific inquiry, one may turn to appropriate chapters in several of the more inclusive books mentioned previously. Best references include Werkmeister's *Philosophy of Science*, Drake's *Invitation to Philosophy*, Benjamin's *Introduction to Human Problems*, Beck's *Philosophic Inquiry*, and Campbell's *What Is Science?* Campbell, for example, concludes his description (and definition) of scientific method by saying that science must exclude judgments on which differences are irreconcilable, that science cannot guide choice of ends, and that proof that an end is desirable lies outside of science.

In addition to the fields of philosophy already mentioned, the writings about semantics should be of particular interest to political scientists because of their struggle with definitions and meanings of terms. A good introductory text in semantics is Irving Lee, *Language Habits in Human Affairs* (Harper, New York, 1941). A fair sampling of the more technical writings on the problems involved in language and meaning includes: A. J. Ayer, *Language, Truth and Logic*, (Gollancz, London, 1936); Rudolph Carnap, *The Logical Syntax of Language* (Paul, Trench, and Trubner, London, 1937); S. I. Hayakawa, *Language in Thought and Action* (Harcourt, Brace, New York, 1949); Charles W. Morris, *Signs, Language, and Behavior* (Prentice-Hall, New York, 1946); and Anatol Rapoport, *Science and the Goals of Man* (Harper, New York, 1950).

II. HISTORY OF SCIENCE

The literature cited in the preceding section was put first in this article because it is addressed in part to the broadest questions about how knowledge is acquired. It therefore comes first in a logical ordering of the literature relating to methodology for any discipline. But literature which strikes directly at the foundations, dealing as it must with the highest level of abstractions, is probably not the best place for the beginner to start his study. He is less likely to flounder if he starts his reading with the history of science, and what he learns from this reading will help him move more readily into the tougher items dealing with epistemology or philosophy of science. It may be added that scientific inquiry seems always to be a few steps ahead of the literature which explains where science stands in relation to other expressions of intellectual effort. A good account of the emergence and development of those sciences which have made the most notable achievements puts the spotlight on the very events which challenged the epistemologists to produce much of the analysis and explanation cited in the foregoing paragraphs.

There are several good histories of science. Among the more general surveys, perhaps the best from the social scientist's point of view is William P. D. Wightman, *The Growth of Scientific Ideas* (Yale University Press, New Haven, 1951). It traces the concepts of matter and motion, nature and life as challenges to observation and thought from the earliest Greeks to the present day. George Sarton, *Introduction to the History of Science* (Carnegie Institute of Washington,

Wilkens, Baltimore, 1927), is an authoritative account of early science, but may be more exhaustive than is required for one interested primarily in the development of method. Also somewhat encyclopedic, with attention to names and chronology obscuring the development of method but a good reference work nonetheless, is William Cecil Dampier, *History of Science* (Macmillan, New York, 1949). Charles Singer's *A Short History of Science to the 19th Century* (Clarendon Press, Oxford, 1941) is a well-balanced description of the development of science from earliest times to the end of the 19th century.

One aspect of study by the historians of science is the effect of the prevailing belief system on the selection of problems for study and the way in which investigation proceeds. This is a major object of attention in many of the studies of particular stages in the development of science. Especially valuable in this regard are A. C. Crombie, *Augustine to Galileo* (Falcon Educational Books, London, 1952); Herbert Butterfield, *The Origins of Modern Science, 1300-1800* (Macmillan, New York, 1951); Johann Heiberg, *Mathematics and Physical Science in Classical Antiquity* (Oxford University Press, London, 1922); Charles Haskins, *Studies in the History of Medieval Science* (Harvard University Press, Cambridge, Mass., 1924); and Abraham Wolf, *A History of Science, Technology, and Philosophy in the 16th and 17th Centuries* (Allen and Unwin, London, 1935), and *A History of Science, Technology, and Philosophy in the 18th Century* (Macmillan, New York, 1939).

If one is willing to pursue the historical approach beyond the reading of one or two of the foregoing works, he can hardly do better than tackle an account of a particular crucial experiment or of how one arrived at a particular crucial theory. Among such accounts, one which was prepared by the man who had the experience or performed the feat is likely to be most illuminating. Especially recommended are William Harvey, *Anatomical Studies of the Motion of the Heart and Blood* (various editions); Karl von Frisch, *Bees: Their Vision, Chemical Senses, and Language* (various editions); Robert Boyle's *Experiments in Pneumatics*, ed. James Conant (Harvard University Press, Cambridge, Mass., 1950); *Three Copernican Treatises*, ed. Edward Rosen (Columbia University Press, New York, 1939); *Benjamin Franklin's Experiments*, ed. I. Bernard Cohen (Harvard University Press, Cambridge, Mass., 1941); and Galileo, *Dialogues Concerning Two New Sciences* (Northwestern University, Evanston, 1946). Also of interest because of the revolutionary effect of his contributions on physics and philosophy are some of the writings of Albert Einstein. His *Relativity: The Special and General Theory, a Popular Exposition* (Methuen, London, 3d ed., 1920) shows the tremendous quality of Einstein's mind without extensive reliance on mathematics.

Although they lack the flavor and much of the value of the original or autobiographical accounts, analyses by later writers may have the advantage of relating the crucial cases to one another and to great developments in history. Written for the nonscientist and illuminating just such relationships and significances are two books by James Conant: *Understanding Science* (Yale University Press, New Haven, 1947); and *Case Histories in Experimental Science* (Harvard University Press, Cambridge, Mass., 1948). Also very interesting,

particularly because it highlights the role of the imagined or idealized experiment in a theoretical break-through, is Leopold Infeld, *Albert Einstein: His Work and Its Influence on Our World* (Scribner, New York, 1950).

Political scientists can profit especially from study of the problems and experiences of the life sciences, for of the disciplines that set models for us in application of scientific method, the life sciences encounter problems most akin to those which confront the social scientist. The biologists have been especially attentive to problems of method and have produced a considerable amount of literature which the political scientist can read with a minimum of stumbling over strange vocabulary. A good place to begin is with E. Nordenskiöld, *The History of Biology* (Knopf, New York, 1928), which is a detailed study. Charles Singer, *A History of Biology* (Schuman, New York, rev. ed., 1950) is shorter but still informative on main points of interest to social scientists. Charles Darwin, *A Naturalist's Voyage or the Diary of the Voyage of the HMS Beagle* (various editions) and his more famous *Origin of the Species* (also various editions) will especially repay reading, for Darwin was painstakingly articulate about how he went about his work. J. H. Woodger writes in easy, attractive style in *Biological Principles: A Critical Study* (Harcourt, Brace, New York, 1929), a book which could just as well have been referred to earlier in this article, since over half of the volume is devoted to a discussion of the general problem of theory of knowledge and the nature of scientific method. His *The Axiomatic Method in Biology* (The University Press, Cambridge, England, 1937) and *Biology and Language* (The University Press, Cambridge, England, 1952) are much more difficult, since they introduce applications of symbolic logic.

Finally, we may note a bloc of writings produced by the biologists which ought to challenge the attention of political scientists who consider themselves most sophisticated in methodology. This literature explores the most basic issues in the formation and testing of theories about the nature of life, the mechanism-vitalism controversy being illustrative. For such high-level discussion the following are suggested: Ludwig Bertalanffy, *Modern Theories of Development: An Introduction to Theoretical Biology* (Oxford University Press, New York, 1933) and *The Problems of Life* (Watts, London, 1952); Mary S. MacDougall, *Biology: The Science of Life* (McGraw-Hill, New York, 1943); Emmanuel Radl, *The History of Biological Theories* (Oxford University Press, London, 1930); S. J. Holmes, *Organic Form and Related Biological Problems* (University of California Press, Berkeley, 1948); and W. M. Wheeler, *Essays in Philosophic Biology* (Harvard University Press, Cambridge, Mass., 1939).

III. SOCIOLOGY OF KNOWLEDGE

Prevailing belief systems, dominant views about the ultimate nature of the world, predominant technologies, and the like are the center of concern in a growing body of literature commonly labelled sociology of knowledge. These matters are important for three reasons. First, concern about them permeates much of the more recent literature at the boundaries of political science, especially that produced by students of philosophy and sociology. Second, the kind of analysis which we term sociology of knowledge has had a profound effect on

recent writing about values, whether by philosophers or by social scientists. Third, examination of relationships among social structure, belief systems, behavior patterns, and similar matters provides explanation of and helps us to evaluate some of the methods of establishing beliefs which are contrary to those described in the literature cited above.

Since writings of this type have recently received much attention from political scientists, only a few items of first importance will be cited. Karl Mannheim, *Ideology and Utopia; An Introduction to the Sociology of Knowledge* (Harcourt, Brace, New York, 1936), especially Chapter V, and *Essays in the Sociology of Knowledge* (Oxford University Press, New York, 1952) bid fair to become classics. Critiques of Mannheim's theory of knowledge are Jacques Maquet, *The Sociology of Knowledge; A Critical Analysis of the Systems of Karl Mannheim and Pitirim A. Sorokin*, tr. by John F. Locke (Beacon, Boston, 1951); and Frank E. Hartung, "Problems of the Sociology of Knowledge," *Philosophy of Science*, Vol. 19, pp. 17-32 (Jan., 1952). Studies which show the interrelationships of the physical sciences and society, suggesting that it is not only the social sciences which must consider the effect of the prevailing belief and social systems on theory and research, are J. D. Bernal, *The Social Function of Science* (Routledge, London, 1939); G. N. Clark, *Science and Social Welfare in the Age of Newton* (Clarendon, Oxford, Eng., 2nd ed., 1949); J. G. Crowther, *The Social Relations of Science* (Macmillan, New York, 1941); Hyman Levy, *The Universe of Science* (Watts, London, 1932); and Robert Merton, "Studies in the Sociology of Science" in his *Social Theory and Social Structure* (Free Press, Glencoe, Illinois, 1949), pp. 289-363.

IV. METHODS IN SOCIAL SCIENCE

The materials which have been presented up to this point relate to questions of methodology for all branches of scholarly effort. They are not confined to questions raised by social scientists. Unfortunately, few if any of the writings addressed specifically to method in the social sciences compare in depth of insight or quality of reasoning with the best of the materials previously discussed. This is no doubt due to the fact that the attempt to apply scientific method to social problems is still in a relatively early stage. It should be noted, however, that many practicing social scientists express great hope that by taking time out to examine questions of methodology the period of fumbling and stumbling can be appreciably shortened. This suggests that we may see soon a considerable body of sophisticated writing about the special problems of social science equal in quality to the best material on methodology in other areas.

It is most difficult to make an orderly arrangement of the literature on method in the social sciences. Much of the writing which discusses scope and method, whether for social science as a whole or for political science in particular, is of an undergraduate textbook nature, much of it is purely polemic, and the best of it appears as introductory chapters or appendices to books concerned mainly with research techniques or with analysis of research findings. On the other hand, much of what can properly be regarded as methodological in political science literature is implicit rather than explicit. It can be given its proper place

in a bibliographical article on method only after subjection to considerable preliminary analysis.

A good way to begin one's acquaintance with the problems of method in the social sciences is to review the history of their development. An inclusive book on this subject is *The History and Prospects of the Social Sciences*, ed. Harry Elmer Barnes (Knopf, New York, 1925). Another book whose main interest is the history of social theory, rather than the development of particular social sciences, is Floyd N. House, *The Range of Social Theory: A Survey of the Development, Literature, Tendencies, and Fundamental Problems of the Social Sciences* (Holt, New York, 1929). More limited in its coverage, but an excellent account, is Florian Znaniecki, *The Cultural Sciences, Their Origin and Development* (University of Illinois Press, Urbana, 1952). Covering shorter periods of time are Edward C. Hayes, *Recent Developments in the Social Sciences* (Lippincott, Philadelphia, 1927); and *Eleven Twenty-Six: A Decade of Social Science*, ed. Louis Wirth (University of Chicago Press, Chicago, 1940). A book which surveys the field and fields of social science is *The Social Sciences and Their Inter-relations*, eds. W. F. Ogburn and Alexander Goldenweiser (Houghton Mifflin, New York, 1927). Another book is the compilation edited by Wilson Gee, *Research in the Social Sciences: Its Fundamental Methods and Objectives* (Macmillan, New York, 1929), a collection of essays on the scope and emphasis of sociology, economics, anthropology, jurisprudence, etc. A very stimulating little volume, giving British points of view, is *The Social Sciences: Their Relation in Theory and Teaching* (Le Play House, London, 1936).

These materials, largely on the scope of the social sciences, for the most part avoid the question which is central to this article: what are the methods of inquiry by which knowledge may be advanced? Many of the more general works on method cited earlier have chapters on the subject of the social sciences. Benjamin's *An Introduction to Human Problems*, Beck's *Philosophic Inquiry*, Cohen's *Reason and Nature*, Northrop's *The Logic of the Sciences and the Humanities*, Wiener's *Readings in the Philosophy of Science*, and Feigl and Brodbeck's *Readings in the Philosophy of Science* all have excellent discussions of scientific method in the social sciences. Bernard Barber, *Science and the Social Order* (Free Press, Glencoe, Illinois, 1952) also has a chapter on the nature and prospects of the social sciences. Another volume is the Brookings Institution's *Essays on Research in the Social Sciences* (Washington, D. C., 1931). This book has a very good introductory essay by W. F. G. Swann on "What Is Science?" followed by one essay which claims that the scientific methods employed by physical scientists are also applicable to social problems and by another which argues that such methods are not applicable, at least in political science.

The argument about the applicability and usefulness of scientific method for meaningful study of social phenomena has developed in such a way that the burden of proof seems to have been put on those who take the side of science. Those who believe either that the important social problems are of a type that science is not designed to tackle, or that complexities of human behavior defy application of the techniques of science, seldom set forth alternatives to scientific method that promise to bring us understanding. In general, the best of the

"anti-science" literature is critique of scientism rather than consideration of how fruitful study can be undertaken. On the other hand, although some of the "pro-science" writings are only analytical, explanatory, or argumentative, many others attempt to show how scientific method can be used effectively in examining particular problems and in illuminating great areas of scholarly concern.

One of the most thorough critiques of the view that natural science models can be used in the study of social processes, is F. A. Hayek, *The Counter-Revolution of Science: Studies on the Abuse of Reason* (Free Press, Glencoe, Illinois, 1952). Other books which also argue that natural science models are inappropriate in social study are Charles A. Beard, *The Nature of the Social Sciences in Relation to Objectives of Instruction* (Scribner, New York, 1934), and A. H. Hobbs, *Social Problems and Scientism* (Stackpole, Harrisburg, 1953).

More concerned with the consequences of some of the metaphysics of scientific method, particularly Cartesian dualism, on our view of man's place in the universe and of the validity of ethical judgments are such books as John D. Bernal, *The Freedom of Necessity* (Routledge and Paul, London, 1949); Lyman Bryson, *Science and Freedom* (Columbia University Press, New York, 1947); John A. Hobson, *Free Thought in the Social Sciences* (Allen and Unwin, London, 1926); Frank H. Knight, *Freedom and Reform* (Harper, New York, 1947); Michael Polanyi, *The Logic of Liberty* (Routledge and Paul, London, 1951); Howard Becker, *Through Values to Social Interpretation* (Duke University Press, Durham, 1950); and, of course, Robert S. Lynd, *Knowledge for What?* (Princeton University Press, Princeton, 1939).

In turning to the materials which either argue for the use of scientific method in the social sciences or attempt to show how it may be used, one should note, first a bibliography published some years ago listing many of the books cited in this article: Dorothy Campbell Tompkins, *Methodology of Social Science Research: A Bibliography* (University of California Press, Berkeley, 1936). Stuart Chase, *The Proper Study of Mankind* (Harper, New York, 1948), is a popularly written plea for the use of scientific method in social study, while Barbara Wootton, *Testament for Social Science* (Norton, New York, 1950), is a shorter argument of the same sort. Reinhard Bendix, *Social Science and the Distrust of Reason* (University of California Press, Berkeley, 1951), is a reply to the anti-scientism arguments. George Lundberg, *Social Research* (Longmans, Green, New York, 1929) and *Can Science Save Us?* (Longmans, Green, New York, 1947), perhaps represent the extreme of optimism in regard to the possibilities of scientific method in the social sciences. Lundberg argues that there is no essential difference between the data of the physical sciences and the data of the social sciences, and contends that if the social sciences develop efficient techniques of quantification, abstraction, and generalization, they, too, can be predictive sciences. Otto Neurath, *Foundations of the Social Sciences*, in *International Encyclopedia of Unified Science*, Vol. 2, No. 1, is also based on an assumption of identity of method in all the sciences. It is, however, less hortatory and much more closely reasoned. An excellent book which attempts more consistently to relate the general concepts and techniques of scientific method to the

special problems of the social sciences is Felix Kaufmann, *Methodology of the Social Sciences* (Oxford University Press, New York, 1944).

Some of the earlier materials on scientific method in social science, when compared with more recent methodological writings, are interesting for the insight they give into the changing concepts of and attitudes toward methodology. Of these older books, one of the best is *Methods in Social Science: A Case Book*, ed. Stuart A. Rice (University of Chicago Press, Chicago, 1931). This book covers a broad range of topics including economic utility theory, the contributions of Pareto and Summer, Turner's theory of the American frontier, the comparative method of James Bryce, and statistical methods. The book is carefully indexed by methodological principle, by academic discipline, by author whose work is analyzed, and by contributor to the volume. Other items are F. A. Ogg, *Research in the Humanistic and Social Sciences* (Crofts, New York, 1928); Howard Odum and Katherine Jocher, *An Introduction to Social Research* (Holt, New York, 1929); L. D. White, *The New Social Science* (University of Chicago Press, Chicago, 1930); Sidney and Beatrice Webb, *Method of Social Study* (Longmans, Green, New York, 1932); and C. Luther Fry, *The Technique of Social Investigation* (Harper, New York, 1934).

Some of the best discussions of method in the social sciences today occur as parts of books dealing mostly with research techniques. Illustrative are Russell L. Ackoff, *The Design of Social Research* (University of Chicago Press, Chicago, 1953); Pauline Young, *Scientific Social Surveys and Research* (Prentice-Hall, New York, 2nd ed., 1949); John Madge, *The Tools of Social Science* (Longmans, Green, New York, 1953); and Arnold M. Rose, *Theory and Method in the Social Sciences* (University of Minnesota Press, Minneapolis, 1954). Particularly good is William J. Goode and Paul K. Hatt, *Methods in Social Research* (McGraw-Hill, New York, 1952), which contains an excellent though brief discussion of the meaning and use of theory, concepts, and the like. Also very good, especially for the student beginning his study of method, is Wilson Gee, *Social Science Research Methods* (Crofts, New York, 1950). Gee has selected and organized materials from many authors covering such topics as what social science is, the meaning of research, the scientific method, and the logical, case, statistical, historical, and experimental methods. Slanted more toward particular social sciences but with methodological concepts which have a wider application are Marie Jahoda, Morton Deutsch, and Stuart W. Cook, *Research Methods in Social Relations* (Dryden, New York, 1951); *Research Methods in the Behavioral Sciences*, eds., Leon Festinger and Daniel Katz (Dryden, New York, 1953); F. Stuart Chapin, *Experimental Designs in Sociological Research* (Harper, New York, 1947); Ernest Greenwood, *Experimental Sociology: A Study in Method* (Kings Crown, New York, 1945); and Muzafer Sherif and M. O. Wilson, *Group Relations at the Crossroads* (Harper, New York, 1953).

There are also many articles in the journals and shorter works which add significantly to what can be found in the books cited. Some of these are Joseph Mayer, "Social Science Methodology," *Journal of Social Philosophy*, Vol. 1, pp. 364-81 (July, 1936); Alexander Goldenweiser, "Nature and Tasks of the

Social Sciences," *Journal of Social Philosophy*, Vol. 2, pp. 5-34 (Oct., 1936); A. R. Radcliffe-Brown, "On the Concept of Function in Social Science," *American Anthropologist*, Vol. 37, pp. 394-402 (July-Sept., 1935); Felix Kaufmann, "The Significance of Methodology for the Social Sciences," *Social Research*, Vol. 5, pp. 442-63 (Nov., 1938), and Vol. 6, pp. 537-55 (Nov., 1939); Arnold Rose, "Generalizations in the Social Sciences," *American Journal of Sociology*, Vol. 59, pp. 49-56 (July, 1953); Frank Lorimer, "The Differentiations of Logical Levels in Social Inquiry," *American Sociological Review*, Vol. 12, pp. 507-13 (Oct., 1947); N. S. Timasheff, "Definitions in the Social Sciences," *American Journal of Sociology*, Vol. 53, pp. 201-09 (Nov., 1947); Karl W. Deutsch, "Mechanism, Organism, and Society: Some Models in Natural and Social Science," *Philosophy of Science*, Vol. 18, pp. 230-52 (July, 1951); George Lundberg, "Scientific Method and Social Phenomena," *Sociology and Social Research*, Vol. 34, pp. 3-12 (Sept.-Oct., 1949); Earl E. Muntz, "Rational Selection in the Social Sciences," *Social Forces*, Vol. 21, pp. 159-64 (Dec., 1942); and Marion Levy, "Some Basic Methodological Difficulties in Social Science," *Philosophy of Science*, Vol. 17, pp. 287-301 (Oct., 1950). The last is particularly interesting in view of Levy's later publication, *The Structure of Society* (Princeton University Press, Princeton, 1952), which is a highly ambitious general conceptual scheme and theoretical system for comparative analysis of societies, employing a very sophisticated method. Two additional essays of importance for scientific method in social science are Carl Hempel, *Fundamentals of Concept Formation in Empirical Science*, in *International Encyclopedia of Unified Science*, Vol. 2, No. 7, and Ernest Nagel, "Some Problems of Concept and Theory Formation in the Social Sciences," in American Philosophical Association Eastern Division, Vol. 1, *Science, Language, and Human Rights* (University of Pennsylvania Press, Philadelphia, 1952), pp. 43-64.

Although the scientific status of the social sciences is of course, directly or indirectly, argued in the preceding materials, the debate has also been carried on significantly in such articles as the following: Lewis W. Beck, "The Natural Science Ideal in the Social Sciences," *Scientific Monthly*, Vol. 68, pp. 386-94 (June, 1949); George Lundberg, "Alleged Obstacles to Social Science," *Scientific Monthly*, Vol. 70, pp. 299-305 (May, 1950); Felix Kaufmann, "The Nature of Scientific Method," *Social Research*, Vol. 12, pp. 464-80 (Nov., 1945); Kurt Riezler, "Some Critical Remarks on Man's Science of Man," *Social Research*, Vol. 12, pp. 481-505 (Nov., 1945); Eric Voegelin, "The Origins of Scientism," *Social Research*, Vol. 15, pp. 462-93 (Dec., 1948); Chester Alexander, "Is Sociology an Exact Science?" *American Sociological Review*, Vol. 11, pp. 1-5 (Feb., 1946); Robert Redfield, "The Art of Social Science," *American Journal of Sociology*, Vol. 54, pp. 181-90 (Nov., 1948); Jessie Bernard, "The Art of Science: A Reply to Redfield," *American Journal of Sociology*, Vol. 55, pp. 1-9 (July, 1949); A. L. Kroeber, "So-Called Social Science," *Journal of Social Philosophy*, Vol. 1, pp. 317-40 (July, 1936); Ludwig von Mises, "Social Science and Natural Science," *Journal of Social Philosophy*, Vol. 7, pp. 240-53 (April, 1942); Peter A. Carmichael, "Limits of Method," *Journal of Philos-*

ophy, Vol. 45, pp. 141-52 (March 11, 1948); and David Riesman, "Some Observations on Social Science Research," *Antioch Review*, Vol. 11, pp. 259-78 (Sept., 1951).

In many of the arguments against the use of natural science models in social science, values are considered both as crucial complicators in the study of social affairs and as a crucial part of human affairs for which scientific method is inappropriate. On the other hand, those who consider scientific method applicable in social science contend that the observer's values are not an insuperable obstacle to objective research, and that values can themselves be treated as data. Both points of view concerning this problem have been clarified in the journals. Some of the many articles on this subject are as follows: In the *Journal of Social Philosophy* are Horace Fries, "Method in Social Philosophy," Vol. 3, pp. 325-41 (July, 1938); Ralph Barton Perry, "The Moral Norm of Social Science," Vol. 5, pp. 16-28 (Oct., 1939); and R. L. Warren, "The Place of Values in Social Theory," Vol. 7, pp. 223-39 (April, 1942). In other journals are David L. Miller, "Norms, Values, and the Social Sciences," *Southwestern Social Science Quarterly*, Vol. 32, pp. 137-49 (Dec., 1951); Walter Cerf, "Value Decisions," *Philosophy of Science*, Vol. 18, pp. 26-34 (Jan., 1951); D. W. Gottschalk, "Value Science," *ibid.*, Vol. 19, pp. 183-92 (July, 1952); Hornell Hart, "A Reliable Scale of Value Judgments," *American Sociological Review*, Vol. 10, pp. 473-81 (Aug., 1945); Stuart C. Dodd, "On Classifying Human Values," *ibid.*, Vol. 16, pp. 645-53 (Oct., 1951); R. E. Smith, "Value Judgments and the Social Sciences," *Bulletin of American Association of University Professors*, Vol. 35, pp. 628-42 (Winter, 1949); Walter G. O'Donnell, "The Theory of Value in Social Science," *American Journal of Economics and Sociology*, Vol. 10, pp. 333-44 (July, 1951).

A survey of methodology in social science is not complete without noting the writings of Max Weber, which have been so influential in sociology, and which lately have attracted the attention of political scientists as well. Of special interest to students of methodology are *The Theory of Social and Economic Organization*, translated and edited by A. M. Henderson and Talcott Parsons (Oxford University Press, New York, 1947) and *Max Weber on the Methodology of the Social Sciences*, translated and edited by Edward A. Shils and Henry A. Finch (Free Press, Glencoe, Illinois, 1949). Some of Weber's concepts are discussed by Leo Strauss, "The Social Science of Max Weber," *Measure*, Vol. 2, pp. 204-30 (Spring, 1951), and by Edward A. Shils, "Some Remarks on 'The Theory of Social and Economic Organization,'" *Economica*, New Series, Vol. 15 pp. 36-50 (Feb. 1948).

Practically all of the material on method in the social sciences discussed above is written as though there were or could be one and only one method. At a high enough level of abstraction or generalization this may be the case. Still, if we examine research effort and accounts of actual inquiries in particular social sciences, we find differences which are not superficial. The value of this article would be increased by commentary on writings which treat methodological problems special to each of the social sciences, but space is not available for

so extensive an inquiry. The following section cites materials from these disciplines of greatest interest to political scientists.

V. METHODS IN POLITICAL SCIENCE

Before listing materials bearing most directly on the scope and method of political science, some prefatory remarks should be made. First, it is believed that all the literature so far cited is relevant to the methodology of political science. Second, some of the materials listed here as bearing most directly on study of political science are addressed to problems which are in no sense unique to political science. Third, in selecting the materials which follow, no attempt has been made to draw a hard and fast distinction between scope and method. Any attempt to delimit scope usually has either explicit or implicit conceptions of method, and discussion of method inevitably raises, though seldom answers, the question of scope. It may be added that the profession has reached little agreement on either. Finally, it is believed that the student who is concerned with the methodology of his discipline needs to know something of its history, and its areas of concern in times past, as well as today. Consequently, an effort has been made to identify the main interests in the broad range of problems which have preoccupied American political scientists.

There are some histories, surveys, and critiques of our discipline which help one to identify these preoccupations. Two books which will give some understanding of the early development of political science are Frederick Pollock, *An Introduction to the History of the Science of Politics* (Macmillan, London, 1893), and Anna Haddow, *Political Science in American Colleges and Universities, 1636-1900* (Appleton-Century, New York, 1939). In addition there are chapters on political science in Barnes, *History and Prospects of the Social Sciences* (cited above). Of the recent surveys which indicate the range of interests represented in political science teaching and research today, one of the most complete is the UNESCO publication, *Contemporary Political Science: A Survey of Methods, Research, and Teaching* (UNESCO, Paris, 1950). Perhaps the most interesting thing about this document is the light it throws on the diversity of interests, attitudes, and subject matter which are subsumed under the general heading of political science. Much shorter and more selective is William A. Robson, *The University Teaching of Social Sciences: Political Science* (UNESCO, Paris, 1954; distributed by Columbia University Press, New York, reviewed in this issue of this REVIEW pp. 266-67). Two other surveys which attempt an analysis of teaching and research problems in political science, both sponsored by the American Political Science Association, are *Research in Political Science*, ed. Ernest S. Griffith (University of North Carolina Press, Chapel Hill, 1948), and American Political Science Association, *Goals for Political Science* (Sloane, New York, 1951). Problems of teaching and research discussed in the latter are highlighted in the symposium, "Goals for Political Science," this REVIEW, Vol. 45, pp. 996-1024 (Dec., 1951), and they are further discussed in replies and comments on this symposium in this REVIEW Vol. 46, pp. 504-11 (June, 1952). In addition, one should note David Easton's

The Political System: An Inquiry into the State of Political Science (Knopf, New York, 1953), which is a critical analysis of "the state of political science."

There is a widespread tendency to treat political "theory" as the core of the discipline. It would seem that if something called theory is the heart of the study, it should have an integral relationship to the other things studied. Yet what is meant by theory in most of these writings seems to bear little relationship indeed to the greater part of the subject matter which occupies the attention of political scientists. Since this anomaly involves the question of scope, and since the development of theory is an essential part of methodology, something must be said about theory in political science here at the beginning of the discussion of literature on methodology for political science.

The view of political theory which is taken by American political scientists appears to be shaped mainly by two special orientations. First, there is a tendency to look to the great writings as the main repository of theoretic effort. And second, the study of theory is mainly directed to criticism and evaluation of the contributions of other people; there is little effort to make the study of theory an exercise in theory construction. These orientations have been noted by others and made the point of criticism. David Easton in *The Political System* brands the study of political theory as historicism, while Andrew Hacker in "Capital and Carbuncles: The Great Books Reappraised," this REVIEW, Vol. 48, pp. 775-86 (Sept., 1954) indicates that the trouble with the present study of political theory is not so much the content of this theory as the "unquestioning reliance on the 'Great Books'".

It seems fair to say, also, that the study of political theory has suffered some handicap from a tendency to treat as if they were theory some parts of the great literature which are not theoretical in character. As Professor George H. Sabine points out in the preface to the second edition of *A History of Political Theory* (Holt, New York, rev. ed., 1950), p. ix, "... any clear-headed theory of politics requires discrimination between states of fact, causal connections, formal implications, and the values or ends that a policy is designed to achieve. In any political philosophy all these factors are combined, but no combination can alter the fact that they are logically different and that conclusions about them are differently warranted." In his *History*, Sabine attempts to distinguish among these elements, but there is reason to believe that political scientists generally have not kept these important distinctions in mind, with a resulting tendency to label as "theory" the whole package given us by the great writer—causal theory, normative theory, epistemology, empirical data, and techniques for achieving goals.

Other than Easton and Hacker, cited above, there are a few articles in the journals which analyze, criticize, or justify the preoccupations and emphases in study of political theory. An old one is W. W. Willoughby, "Value of Political Philosophy," *Political Science Quarterly*, Vol. 15, pp. 75-95 (March, 1900). More recent ones are Leo Strauss, "On Classical Political Philosophy," *Social Research*, Vol. 12, pp. 98-117 (Feb., 1945); J. Roland Pennock, "Political Science and Political Philosophy," this REVIEW, Vol. 45, pp. 1081-85 (Dec.,

1951); David Easton, "The Decline of Modern Political Theory," *Journal of Politics*, Vol. 13, pp. 35-58 (Feb., 1951); Alfred Cobban, "The Decline of Political Theory," *Political Science Quarterly*, Vol. 68, pp. 321-37 (Sept., 1953); and Mulford Sibley, "Apology for Utopia," *Journal of Politics*, Vol. 2 pp. 57-74, 165-88 (Feb., May, 1940).

Although the study of political theory has long been regarded as the core of political science, it has not been without rivals for the attention of students of the subject. During the early period when political science was first being recognized as an identifiable field of study, it was closely associated with history and with law. But despite their great dependence upon historical and legal materials, American political scientists have made few significant contributions to either historical or legal methodology, except for Charles A. Beard, who was at least as much historian as political scientist. For one of Beard's strongest pleas for pursuing a historical approach to political data see his "Neglected Aspects of Political Science," this REVIEW, Vol. 42, pp. 211-22 (April, 1948). Perhaps the latest expression of his view on method in the study of history is the chapter he contributed to the report of the Committee on Historiography, of which he was chairman, *Theory and Practice in Historical Study* (Social Science Research Council, New York, 1946). Most of the rich literature on historiography is the product of historians, of course. Representative items are Carl Becker, *Everyman His Own Historian* (Crofts, New York, 1935); Allen Johnson, *The Historian and Historical Evidence* (Scribner, New York, 1926); Allan Nevins, *Gateway to History* (Heath, Boston, 1938). Also concerned with the historical approach are V. G. Simkhovitch, "Approaches to History," *Political Science Quarterly*, Vol. 44, pp. 481-97 (Dec., 1929) and Vol. 45, pp. 481-526 (Dec., 1930); E. K. Francis, "History and the Social Sciences: Some Reflections on the Reintegration of Social Sciences," *Review of Politics*, Vol. 13, pp. 354-74 (July, 1951); E. W. Strong, "Criteria of Explanation in History," *Journal of Philosophy*, Vol. 49, pp. 57-67 (Jan. 31, 1952); and a recent study of the Social Science Research Council, *The Social Sciences in Historical Study: A Report of the Committee on Historiography* (New York, 1954).

The kind of historical material which has been most fully explored by political scientists is the government document. Certainly, the techniques for the use of governmental documents have been the standard part of bibliography and methods courses for some time, and this REVIEW devotes several pages of its bibliographical section to the listing of such documents. Despite this tradition of viewing government documents as a principal source material, it is the professional librarian who has been responsible for most of the publications which inventory and evaluate government documents. One of the few political scientists who have worked in this area is Everett Brown. His *Manual of Government Publications, United States and Foreign* (Crofts, New York, 1950) is an excellent short guide to these materials and his bibliography lists all the standard references.

The emphasis on a historical approach in American political science was paralleled by an emphasis on legal aspects of government and politics. As Easton points out in *The Political System*, the nature of the debate on the con-

stitution made constitutional law a natural interest for American political scientists. Then, too, much of what has been classified as political theory can also be classified as legal theory, the whole concept of the modern state being essentially juristic. No doubt the contribution to understanding which the political scientists have made through their legally inclined studies is a rich one. Items of this type are indeed too numerous to list here. But while political scientists have used the legal method, they have contributed little to the analysis and evaluation of that method. Rather, it is the lawyers and teachers of law who have probed into the character and exposed the inadequacies of legal thinking and methods of inquiry. Perhaps Oliver Wendell Holmes, Jr. (later Mr. Justice Holmes) was engaged in such a service in his writing. Certainly Dean Roscoe Pound forced a new look at the nature of law and the study of law in his pioneering articles on sociological jurisprudence.

The so-called realist jurisprudence of the 1920s and 1930s seems to constitute the next major effort to reconsider the nature of law and its study. While political scientists took note of this development and profited from it, they appear to have made little contribution to it other than to summarize occasionally what others had already said. The bibliography of this revisionist movement, including names like Benjamin N. Cardozo, Walter Wheeler Cook, Lon L. Fuller, Karl N. Llewellyn, and Underhill Moore, is too long for citation here. It will suffice to mention Jerome Frank, *Law and the Modern Mind* (Brentano, New York, 1930), which helped give the movement its momentum, and Edward H. Levi, *An Introduction to Legal Reasoning* (University of Chicago Press, Chicago, 1949), which has profited from the rich line of analysis and polemic which preceded it.

There are straws in the wind which indicate that the legal method may be in for drastic further reexamination in the near future. See Ranyard West, *Conscience and Society; a Study of the Psychological Prerequisites of Law and Order* (Emerson Books, New York, 1945); Karl N. Llewellyn, "Law and the Social Sciences, especially Sociology," *Harvard Law Review*, Vol. 62, pp. 1286-1305 (June, 1949); and David Riesman, "Toward an Anthropological Science of Law and the Legal Profession," *American Journal of Sociology*, Vol. 57, pp. 121-35 (Sept., 1951).

While, as it seems to us, political scientists have not done any important writing about the methodology of investigation into the nature of law and its impact on people, they have certainly revealed a concern with identifying the most significant relationships of law to government and politics. This is evidenced in some general inquiries into what we have been doing and ought to be doing. First to be cited is Professor George H. Sabine's article, "Political Science and the Juristic Point of View," this *REVIEW*, Vol. 22, pp. 553-75 (Aug. 1928). This was followed by Carl B. Swisher's report for the American Political Science Association's panel on Public Law, in this *REVIEW*, Vol. 40, pp. 552-62 (June, 1946), and in *Research in Political Science*, ed. Ernest S. Griffith (cited above) and G. Lowell Field, "Law as an Objective Political Concept," this *REVIEW*, Vol. 43, pp. 229-49 (April, 1949).

Easton states that although almost all of early American political science was

legalistic, after the Civil War the discipline became increasingly interested in the description and analysis of the "real" (in contrast with the legal) organization and function of government. This emphasis led in turn to a broader universe—that of politics, the events and organizations and ideas which impinge upon government. This realist or empirico-descriptive period in which we are still caught up has produced a vast literature rich in descriptive detail and explanatory insights but difficult to classify according to methodological considerations. Easton sees the concept of a system in equilibrium as a basic assumption underlying much of this literature. There are undoubtedly many other unexpressed assumptions as well: see Benjamin Lippincott, "The Bias of American Political Science," *Journal of Politics*, Vol. 2, pp. 125-39 (May, 1940).

The lack of elaborate statement about underlying assumptions, guiding conceptualizations, and other methodological considerations cannot conceal the evidence that in recent years there has been both a rapid growth in output of American political scientists which is based on a conscious regard for sound methodological foundations and a steady rise in the sophistication with which methodological demands are met. Neither the essential purpose of this article nor the space allotted for it allow an effort to classify according to methodological considerations the great volume of writing which has emanated from political scientists in recent decades. The following references are included solely to indicate the main types of study by American political scientists which have lately increased in number and which seem to be on soundest methodological foundations.

First, study relying on gross (unrefined) quantitative data enjoys a widespread appeal at present. This procedure has been applied principally to voting by the general electorate, but there are studies of this character relating to legislative personnel, voting in legislative bodies, and other centers of interest in government and politics. It seems safe to say that the first important contribution of this character by an American political scientist was A. Lawrence Lowell's "The Influence of Party on Legislation," *Annual Report of the American Historical Association*, Vol. 1, 1901 (House Doc. 702, 57th Cong., 1st sess., G.P.O., Washington, 1902). Some of the work reported in Stuart A. Rice's now classic *Quantitative Methods in Politics* (Knopf, New York, 1928) falls in this category. It would require a long paragraph merely to list the names of mature scholars who have contributed gross quantitative studies in the quarter-century since Rice presented his. Some of these studies appear to have no purpose except to describe what is or what occurs, but even those students who find the description not important or not convincing may still find it an ordering of evidence which advances their effort to formulate hypotheses which they think will direct analysis to more meaningful results. Other studies result in findings and support generalizations which are generally acknowledged to be rightful claimants to a place in an enduring literature.

A second type of study, difficult to differentiate from the first in specific cases, also relies on quantitative data, but the items of evidence are more precisely defined and more severely judged before acceptance, and the analysis

to which they are subjected is more sophisticated. Some of the study reported in Rice's volume falls in this category. Herman C. Beyle, *Identification and Analysis of Attribute Cluster Blocs* (University of Chicago Press, Chicago, 1931) is another early work. Sociologists and social psychologists undoubtedly have gone a greater distance along this route than the political scientists. No doubt most familiar to political scientists is Paul F. Lazarsfeld, B. Berelson, and H. Gaudet, *The People's Choice* (Duell, Sloan, and Pearce, New York, 1944).

A third type of study which appears to be growing in attractiveness is the intensive examination of a process, event, or series of occurrences. The American Political Science Association made one of its annual awards to Stephen K. Bailey for such an effort, his *Congress Makes a Law* (Columbia University Press, New York, 1950). By no means the first, but an early inquiry of this character, which got widespread attention, was E. E. Schattschneider, *Politics, Pressures, and the Tariff* (Prentice-Hall, New York, 1935). Later notable additions, all centering on the legislative process, include Fred W. Riggs, *Pressures on Congress* (King's Crown Press, New York, 1950); Earl Latham, *The Group Basis of Politics; A Study in Basing Point Legislation* (Cornell University Press, Ithaca, 1952); and Gilbert Y. Steiner, *Legislation by Collective Bargaining: The Agreed Bill in Illinois* (University of Illinois Institute of Labor and Industrial Relations, 1951). This kind of analysis is carried into the administrative process by Harold Stein and his associates in *Public Administration and Policy Development; A Case Book* (Harcourt, Brace, New York, 1952).

Biographical accounts seem worthy of listing as a fourth type of study which is certainly growing in attraction for political scientists and probably advancing in methodological sophistication. Political scientists have examined the personal attributes, belief and value systems, methods and procedures, environmental envelopes, and the achievements and failures of lesser politicians, greater statesmen, administrators, and judges. The findings have appeared in full-length biographies and in brief sketches; some of them have significantly illuminated the dynamics of government and politics. The trend in biographical writing by political scientists recently has been toward an attempt to explain the decisions of an American judge by a study of his character and career. The standards for such writing were set high in two of the first such studies: Carl B. Swisher, *Stephen J. Field, Craftsman of the Law* (Brookings Institution, Washington, 1930), and Charles Fairman, *Mr. Justice Miller and the Supreme Court, 1862-1890* (Harvard University Press, Cambridge, Mass., 1939). Again it must be noted that the political scientists are not in the forefront as respects quantity of output, and it may be that they are not near the front in quality of analysis and evaluation. Biographical writing is mainly a pursuit of historians, journalists with scholarly inclinations, and free lance writers. An objective observer may think the political scientists have quite a way to go before they match, in biography, the illumination of politics and the governmental process which one finds in Beveridge's life of Marshall or Sandburg's Lincoln.

Finally, we should note a fifth type of study, not because it is a well-travelled road but because the road promises to lead to pay dirt. Harold F. Gosnell's *Getting Out the Vote* (University of Chicago Press, Chicago, 1927) appears to

be the only significant experiment yet run by an American political scientist. Teachers of law have since provided us with another: Underhill Moore and C. C. Callahan's report of an experiment in traffic control in "Law and Learning Theory; a Study in Legal Control," *Yale Law Journal*, Vol. 53, pp. 1-136 (Dec., 1943).

The transition of our main attention from the historical-legal approach to what we above called an empirico-descriptive approach was accompanied by some writing about problems of methodology, but there was less of it than one might have expected and in most cases it is not distinguished for penetrating analysis. A heavy emphasis in the writing which appeared is on the possibilities of a science of politics, and one finds in this literature much the same kind of argument we noted above in connection with scientific study of social phenomena in general. Dealing specifically with political science, however, are the following: Woodrow Wilson, "The Law and the Facts," this REVIEW, Vol. 5, pp. 1-11 (Feb., 1911); Stuart Rice, *Quantitative Methods in Politics*; J. A. Fairlie, "Politics and Science," *Scientific Monthly*, Vol. 18, pp. 18-37 (Jan., 1924); Charles Beard, "Time, Technology, and the Creative Spirit in Political Science," this REVIEW, Vol. 21, pp. 1-11 (Feb., 1927); Harold F. Gosnell, "Statisticians and Political Scientists," this REVIEW, Vol. 27, pp. 392-403 (June, 1933); "Reports of the National Conference on the Science of Politics," this REVIEW, Vol. 18, pp. 119-66 (Feb., 1924); "Reports of the Second National Conference on the Science of Politics," this REVIEW, Vol. 19, pp. 104-62 (Feb., 1925); W. B. Munro, "Physics and Politics, An Old Analogy Revised," this REVIEW, Vol. 22, pp. 1-11 (Feb., 1928); E. S. Corwin, "The Democratic Dogma and the Future of Political Science," this REVIEW, Vol. 23, pp. 569-92 (Aug., 1929); and Herman Beyle, "The Data and Method of Political Science," in his *The Identification and Analysis of Attribute Cluster-Blocs*, pp. 174-214. In line with this empirico-descriptive tradition, but with some more sophistication concerning scientific method, are the books cited earlier as dealing with scientific method and research techniques in the social sciences.

For general discussion of the scope of political science there are many articles in the journals, the following ones being illustrative: L. S. Rowe, "Problems of Political Science," *Annals of the American Academy of Political and Social Science*, Vol. 10, pp. 165-86 (Sept., 1897); American Political Science Association Committee on Instruction, *The Teaching of Government* (Macmillan, New York, 1916); Munro Smith, "The Domain of Political Science," *Political Science Quarterly*, Vol. 1, pp. 1-9 (March, 1886); Charles Fairman, "The Estate of Political Science," *Western Political Quarterly*, Vol. 1, pp. 1-15 (March, 1948). In this REVIEW are: C. E. Merriam, "Present State of the Study of Politics," Vol. 15, pp. 173-85 (May, 1921); C. E. Merriam, "Report of the Committee on Political Research," Vol. 17, pp. 275-95 (May, 1923); Thomas Reed, "Report of the Committee on Policy of the American Political Science Association," Vol. 24, Supplement (Feb., 1930); William Anderson, "The Role of Political Science," Vol. 37, pp. 1-17 (Feb., 1943); Joseph E. McLean, "Areas for Postwar Research," Vol. 39, pp. 741-56 (Aug., 1945); Pendleton Herring, "Political Science in the Next Decade," Vol. 39, pp. 757-66 (Aug., 1945);

John Gaus, "Job Analysis of Political Science," Vol. 40, pp. 217-30 (April, 1946); Paul Appleby, "Political Science: The Next 25 Years," Vol. 44, pp. 924-32 (Dec., 1950); Claude E. Hawley and Lewis Dexter, "Political Science Research in American Universities," Vol. 46, pp. 470-85 (June, 1952); Roscoe Martin, "Political Science and Public Administration: A Note on the State of the Union," Vol. 46, pp. 660-76 (Sept., 1952); and Pendleton Herring, "On the Study of Government," Vol. 47, pp. 961-74 (Dec., 1953).

In addition to the general approaches to political analysis which have been discussed in the preceding paragraphs, there are some special aspects of the study of political science which should be mentioned. Although the field of comparative government has been largely devoted to descriptions of foreign systems, recent trends indicate more attention to methodological questions, especially as the field has been widened to include non-western systems. One example of discussion of the problem of comparative analysis is the introductory chapter in *African Political Systems*, eds. M. Fortes and E. E. Evans-Pritchard (Oxford University Press, London, 1940). Recent issues of this REVIEW contain three articles of interest in this connection: Karl Loewenstein, "Report of the Research Panel on Comparative Government," Vol. 38, pp. 540-48 (June, 1944); Report of the Inter-University Seminar on Comparative Politics, "Research in Comparative Politics," Vol. 47, pp. 641-57 (Sept., 1953); and Fred W. Riggs, "Notes on Literature Available for the Study of Comparative Public Administration," Vol. 48, pp. 515-537 (June, 1954).

One should note also some materials on scope and method in the field of international relations. Grayson Kirk, *The Study of International Relations in American Colleges and Universities* (Council on Foreign Relations, New York, 1947); Waldemar Gurian, "The Study of International Relations," *Review of Politics*, Vol. 13, pp. 275-82 (July, 1946); Richard Van Wagenen, *Research in the International Organization Field* (Princeton University Press, Princeton, 1952); Kenneth Thompson, "The Study of International Politics," *Review of Politics*, Vol. 14, pp. 433-67 (Oct., 1952); David F. Cavers, "The Developing Field of International Legal Studies," this REVIEW, Vol. 47, pp. 1058-75 (Dec., 1953); and the UNESCO publication by C. A. W. Manning, *The University Teaching of the Social Sciences: International Relations* (Distributed by Columbia University Press, New York, 1954).

Although the recent emphasis in the methodology of political science has been largely empirico-descriptive, there have been some writings which have sought or advocated a more theoretical approach to the data of political science. These materials are not discussions of techniques of research, but rather are efforts to arrive at orientations or basic assumptions about data or the nature of the problems to be studied. Of these, Arthur Bentley's *The Process of Government* (cited above) appears to be the earliest, and it is interesting to note how little attention was paid by the profession until quite recently to his concepts of "transaction" and "group relation." Apparently, his concept of the group as a significant unit for the study of politics was not an important influence on the pressure group studies of the 20's and 30's. Bentley's importance in a consideration of method in political science seems to us to be two-fold: he has had

an effect on contemporary thinking as to what is the most heuristic frame of reference, and the kind of abstraction which he suggests invites reexamination in comparison with the kinds developed by Catlin, Lasswell, Morgenthau, and recent writers working on the frontiers of political science with concepts heavily influenced by sociology and social psychology. In considering the effect of Bentley's thought on recent political science, one should probably begin with David Truman, *The Governmental Process* (Knopf, New York, 1951), Part 1, and Richard W. Taylor, "Arthur F. Bentley's Political Science," *Western Political Quarterly*, Vol. 5, pp. 214-30 (June, 1952). One should also compare Bentley's writings with Oliver Garceau, "Research in the Political Process," this REVIEW, Vol. 45, pp. 69-85 (March, 1951); Earl Latham, "The Group Basis of Politics: Notes for a Theory," this REVIEW, Vol. 46, pp. 376-97 (June, 1952), and his later more extended analysis in the chapter on method in *The Group Basis of Politics: A Study in Basing Point Legislation* (cited above); Bertram M. Gross, *The Legislative Struggle: A Study in Social Combat* (McGraw-Hill, New York, 1953); Murray S. Stedman, "A Group Interpretation of Politics," *Public Opinion Quarterly*, Vol. 17, pp. 218-29 (Spring, 1953); and Phillip Monypenny, "Political Science and the Study of Groups: Notes to Guide a Research Project," *Western Political Quarterly*, Vol. 7, pp. 183-201 (June, 1954).

A comparison of Bentley's concepts with those of Catlin, Merriam, Lasswell and Morgenthau seems most timely. Easton, in *The Political System*, includes these writers in his analysis of political scientists who have consciously or unconsciously used an equilibrium model in their orientation to politics. Such a model may be implicit in these writers as well as others, but there are also other concepts which are worthy of more detailed study and comparison. Easton's contention that the concepts of Catlin and at least the early Lasswell are broader than the political system is undoubtedly true, but his implication that therefore such frames of reference offer little promise in the study of political science does not necessarily follow. One of the most troublesome problems in political science today is this question of whether there be such things as political data distinct from social data. One reason why this has become a central question is that our search for a methodology seems continually to lead us across precinctual boundaries. In any case, a student of political science should be familiar with these earlier as well as more recent materials on frames of reference for research and analysis. The works of Catlin which merit some attention today are *The Science and Method of Politics* (Knopf, New York, 1927) and *A Study of the Principles of Politics* (Macmillan, New York, 1930). In addition to his comments on Lasswell in *The Political System*, David Easton in "Harold Lasswell, Policy Scientist for a Democratic Society," *Journal of Politics*, Vol. 12, pp. 450-77 (Aug., 1950), makes an excellent analysis of the shift in Lasswell's major premises between his earlier and his later work. Some of the writings of Lasswell which should be examined for their methodological premises are *Psychopathology and Politics* (University of Chicago Press, Chicago, 1930); *Politics: Who Gets What, When, How* (McGraw-Hill, New York, 1936); *The*

Analysis of Political Behavior: An Empirical Approach (Oxford University Press, New York, 1949); and with Abraham Kaplan, *Power and Society* (Yale University Press, New Haven, 1950). *The Policy Sciences: Recent Developments in Scope and Method* (Stanford University Press, Stanford, 1951), which he edited with Daniel Lerner, selects a different universe for orientation—that of the process of policy formation and the kinds of information or knowledge necessary to the formation of policy in a democracy. Lasswell's focus on elites is likewise interesting. For an explanation of this approach, see Harold Lasswell, Daniel Lerner, and C. Easton Rothwell, *The Comparative Study of Elites; Introduction and Bibliography* (Hoover Institute Studies, Stanford University Press, Stanford, 1952).

Along with Lasswell's ideas, particularly his psychological concepts, one may consider the methodological assumptions in Graham Wallas, *Human Nature and Politics* (Knopf, New York, 3rd ed., 1921), and Hans J. Morgenthau, *Scientific Man vs. Power Politics* (University of Chicago Press, Chicago, 1946). In addition there are the works of Charles Merriam, which for the most part are good syntheses of the major trends in political science in the period in which he wrote. His *New Aspects of Politics* (University of Chicago Press, Chicago, 1931); *Political Power* (McGraw-Hill, New York, 1934); and *Systematic Politics* (University of Chicago Press, Chicago, 1945) are representative. If one is interested in exploring further the concept of power, Bertrand Russell, *Power: A New Social Analysis* (Norton, New York, 1938), should not be overlooked. It is Russell's thesis that power is the fundamental concept in the social sciences, as energy is in physics.

Perhaps because of the influence of these writers, perhaps because of a dissatisfaction with the meagre generalizations available after so long a period of empirical data-gathering, or perhaps because of the influence of other social sciences, American political scientists have recently been taking a new look at nearly every aspect of their discipline. Some of the writings of this character have been cited already at various points in this article; Griffith's *Research in Political Science*, the American Political Science Association's *Goals for Political Science*, and Easton's *The Political System* are illustrative. Much of this literature of self-examination tends to emphasize the importance of theory. Other articles which illustrate this emphasis are: Charner Perry, "Semantics of Political Science," this REVIEW, Vol. 44, pp. 394–425 (June, 1950); Oliver Garceau, "Research in the Political Process," this REVIEW, Vol. 45, pp. 69–85 (March, 1951); Alfred de Grazia, "The Process of Theory-Research Interaction," *Journal of Politics*, Vol. 13, pp. 88–99 (Feb., 1951); Samuel J. Eldersveld, "Theory and Method in Voting Behavior Research," *Journal of Politics*, Vol. 13, pp. 70–87 (Feb., 1951); David Truman, "The Implications of Political Behavior Research," Social Science Research Council, *Items*, Vol. 5, pp. 37–39 (Dec., 1951); Max Beloff, "The Frontiers of Political Analysis," *Cambridge Journal*, Vol. 4, pp. 259–72 (Feb., 1951); and Interuniversity Summer Seminar on Political Behavior, Social Science Research Council, "Research in Political Behavior," this REVIEW, Vol. 46, pp. 1003–45 (Dec., 1952).

There are also a number of articles stressing the importance of theory which have grown out of the experience of the students of public administration. Dwight Waldo's *The Administrative State* (Ronald Press, New York, 1948) is an excellent critique of the premises and concepts of public administration of the recent past. Waldo's book is critically reviewed by Arthur Macmahon in the *Public Administration Review*, Vol. 8, pp. 203-11 (Summer, 1948). One should also note Dwight Waldo, "Development of a Theory of Democratic Administration," this REVIEW Vol. 46, pp. 81-103 (March, 1952); and replies and comments on Waldo's article, *Ibid.*, Vol. 46, pp. 494-503 (June, 1952). Donald Smithburg has an article, "Political Theory and Public Administration" in *Journal of Politics*, Vol. 13, pp. 59-69 (Feb., 1951). In the *Public Administration Review* are Robert A. Dahl, "The Science of Public Administration," Vol. 7, pp. 1-11 (Winter, 1947); Herbert Simon, "A Comment on 'The Science of Public Administration,'" Vol. 7, pp. 200-3 (Summer, 1947); Charles Aiken, "Task Force: Methodology," Vol. 9, pp. 241-51 (Autumn, 1949); John Gaus, "Trends in the Theory of Public Administration," Vol. 10, pp. 161-68 (Summer, 1950); and Wallace Sayre, "Trends of a Decade in Administrative Values," Vol. 11, pp. 1-9 (Winter, 1951).

This interest in theory has also resulted in a heightened awareness of the problem of values, of the importance of normative theory, and of the relationship of philosophical premises to the study of politics. Eric Voegelin, *The New Science of Politics: An Introduction* (University of Chicago Press, Chicago, 1952) is a revolt against positivism, scientific method, and relativism in political science. This book is discussed by Hans Aufrecht in "A Restatement of Political Theory: A Note on Eric Voegelin's 'The New Science of Politics,'" *Western Political Quarterly*, Vol. 6, pp. 458-68 (Sept., 1953). In this REVIEW are William F. Whyte, "A Challenge to Political Scientists," Vol. 37, pp. 692-97 (Aug., 1943); John Hallowell, "Politics and Ethics," Vol. 38, pp. 639-56 (Aug., 1944); J. Roland Pennock, "Reason, Value Theory, and the Theory of Democracy," Vol. 38, pp. 855-75 (Oct., 1944); and "Political Science and Political Philosophy," Vol. 45, pp. 1081-85 (Dec., 1951); Gabriel Almond, Lewis Dexter, William Whyte, John Hallowell, "Politics and Ethics—a Symposium," Vol. 40, pp. 283-312 (April, 1946); Arnold Brecht, "Beyond Relativism in Political Theory," Vol. 41, pp. 470-88 (June, 1947); Hans Kelsen, "Absolutism and Relativism in Philosophy and Politics," Vol. 42, pp. 906-14 (Oct., 1948), and "Science and Politics," Vol. 45, pp. 641-61 (Sept., 1951). In other journals are: Charner Perry, "Relation Between Ethics and Political Science," *Ethics*, Vol. 47, pp. 163-79 (Jan., 1937); Thomas I. Cook, "Politics, Sociology, and Values," *Journal of Social Philosophy*, Vol. 6, pp. 35-46 (Oct., 1940); René Williamson, "The Challenge of Political Relativism," *Journal of Politics*, Vol. 9, pp. 147-77 (May, 1947); Felix Kaufmann, "The Issue of Ethical Neutrality in Political Science," *Social Research*, Vol. 16, pp. 344-52 (Sept., 1949); and William Kent, "John Dewey's Philosophic Principles and Their Political Significance" *Western Political Quarterly*, Vol. 6, pp. 446-57 (Sept., 1953).

In addition to this greater attention to theory on the part of many political scientists today, there are some explorers on the frontiers of political science who are focusing their attention in research and analysis on varied clusters of data and/or on varied sets of relationships within the social process, in an effort to develop a new conceptualization and systematization. These efforts are still so new, and in some cases so highly tentative, that it would be premature to attempt to classify or distinguish between them or to evaluate their individual potential for social science. There are, however, two generalizations which may be made concerning these efforts: First, they all utilize precise, articulated methods; indeed, many of them can be characterized as methodologies. Second, they all appear to abandon the more traditional divisions of social science research, devising categories which cut across the usual disciplinary boundaries. We can cite here only a portion of the growing body of this literature. Some of the main concepts of sociology and psychology which are important in these foci today are briefly summarized and criticized by Wayne Hield, "The Study of Change in Social Science," *The British Journal of Sociology*, Vol. 5, pp. 1-11 (March, 1954). The same concepts are reviewed at length and more favorably in *For a Science of Social Man*, ed. John Gillin (Macmillan,⁶ New York, 1954). Another critique of some of these concepts is Roger Nett, "System Building in Sociology—A Methodological Analysis," *Social Forces*, Vol. 31, pp. 25-30 (Oct., 1952). Some attempts at more precise conceptualization and system devising which may supply useful models are: Kurt Lewin, *Field Theory in Social Science*, ed. Dorwin Cartwright (Harper, New York, 1951); Karl Deutsch, "On Communication Models in the Social Sciences," *Public Opinion Quarterly*, Vol. 16, pp. 356-80 (Fall, 1952); Theodore Newcomb, "An Approach to the Study of Communicative Acts," *Psychological Review*, Vol. 60, pp. 393-404 (Nov., 1953); R. C. Snyder, H. W. Bruck, and Burton Sapin, *Decision-Making as an Approach to a Study of International Politics* (Organizational Behavior Section, Princeton, 1954); *Toward a General Theory of Action*, eds. Talcott Parsons, Edward A. Shils (Harvard University Press, Cambridge, Mass., 1951); Marion Levy, *The Structure of Society* (cited above); Bronislaw Malinowski, *A Scientific Theory of Culture and Other Essays* (University of North Carolina Press, Chapel Hill, 1944); *Group Dynamics, Research and Theory*, eds. Dorwin Cartwright and Alvin Zander (Row, Peterson, Evanston, Illinois, 1953); J. von Neumann and O. Morgenstern, *Theory of Games and Economic Behavior*, (Princeton University Press, Princeton, 3rd ed., 1953); Martin Shubik, *Readings in Game Theory and Political Behavior* (Doubleday, New York, 1954); Duncan Black, "The Unity of Political and Economic Science," *Economic Journal*, Vol. 60, pp. 506-14 (Sept., 1950); and Herbert A. Simon, *Administrative Behavior* (Macmillan, New York, 1948).

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BOOK REVIEWS

Charles A. Beard: An Appraisal. EDITED BY HOWARD K. BEALE. (Lexington: University of Kentucky. 1954. Pp. x, 312. \$4.50.)

In his "Syllabus for Scope and Method of the Study of Politics" designed for his course at the University of Minnesota, William Anderson lists under the heading "Development of Political Science in the United States since about 1900" nine substantive fields. To two only of these fields he attaches the names of persons: "A. Economic Interpretation and Charles A. Beard," and "E. The Movement for a 'Scientific' Study of Politics: Charles E. Merriam and others." As Professor Anderson would probably agree, both names might well be attached to several of the other fields—parties and politics, municipal research, public administration, for example. By the death of these two men in recent years we have lost two of the most creative and influential members of our Association. To appraise their work is a professional obligation. To recall them as persons is some answer to a need we have for guidance from experience and solace in remembered friendships.

A reviewer of a memoir is tempted to linger on recollections of the man commemorated rather than to let the reader know of the adequacy of the book in leading one to the man and his work. This would be unjust treatment of the present book, unjust to both authors and readers. It has value in its own right. The editor, Howard K. Beale, has candidly set forth the history of the book from a first design about 1939 for a traditional tribute volume of essays by students of Dr. Beard and others, on the topics of their respective fields of scholarship. Bitterness of controversy over issues of foreign policy, then the pressure of duties in the war and postwar years stood in the way. Then with his death the plan of publishing essays about him was adopted. "What began as a testimonial to a man vitally alive and in the thick of controversy has ended as a memorial."

An inevitable overlapping is frankly acknowledged. A bibliography of Beard's writings is included, revealing the sheer quantity of his contributions. There is no index. An account of the main events in his career would greatly enhance the value of the essays, each treating of some phase or aspect of his work. Also the setting in time and place is needed to better interpret the flow and connection of his varied activities and associations.

The student of political science is well served by the essays in our field. They include those of Laski, "An English View"; Lerner on Beard's "Political Theory"; Gulick on "Municipal Reform"; Soule on "The Concept of Planning"; Hofstadter on "Beard and the Constitution"; Walton Hamilton on a fragment from "The Politics"; Leighton on "Beard and Foreign Policy"; Arthur Macmahon on "Charles Beard, the Teacher"; and Counts on "Charles Beard, the Public Man." For the most part they are free from the uncritical adulation which some might think a person of such rich humane quality, generosity, and power easily inspires. All record shifts in his point of view, his later

qualification sometimes to the point of near reversal of what had once been for him cardinal fighting faiths. Thus his views as to the conduct of foreign policy are summarized sympathetically by Leighton, who yet concludes on a note of inadequacy in reaching a final interpretation. "I never heard Beard give a categorical statement of what his own policy would have been. I can only deduce that it would have been something like this" (p. 181). As the tragic consequences of events, including decisions, since 1898 reveal themselves in our present frustrations and dilemmas, we need to relate ideas held in a field of foreign policy to domestic questions of a given time. ("He knew," remarked Henry Adams of himself, "that Porto Rico must be taken, but he would have been glad to escape the Philippines.") Walton Hamilton casts his interpretation in the form of a discovered manuscript "as he believed Beard would have written." It presents the challenge of change, of necessary adjustment, of the need for endless research, experiment, and "tinkering" to achieve new balance and adjustment; but also of the instantaneous capture of the new institutions of public control by the private interests affected, and of the issue of "loyalty" thereby presented to the public servant. "The great antithesis between the character of the national economy and our faith in the democratic process" remains. Lerner records the varying content and shifting emphasis in Beard's political theories, noting his rejection of Marxian and other systems, but a persistent interest in a science of administration and the role of the technician in society. This found many and varied expressions in his activities and writings. We may be sure that none gave him more satisfaction than joint authorship with his own son, William, who was pioneering in the study of the relation of government and technology, of *The American Leviathan*.

Hofstadter traces the currents that entered into *An Economic Interpretation of the Constitution* and records Beard's later reinterpretation of his views as illustrating a "dualism" of ideas, and points up his roles of scholar and publicist (and the widening range of intellectual history to which Beard and his colleagues were major contributors). He reminds us of the permanent importance of the method employed—"the systematic career-line study," the "location of their [the members of the Philadelphia Convention] social position as a group." One recalls the use of this method in terms of professional careers by Arthur Macmahon, and the current interest in the sociology and anthropology of administration, bureaucracy, and political behavior, and notes again that Beard was a creator of a usable past in method as well as substance. The very application of his method may lead to a revision of his own tentative earlier conclusions, as evidenced in a study of one state convention called to ratify the proposed Constitution. It is recorded here that Beard himself moved to a concern as to Political Man and Military Man.

In one field the line of his creative effort seems undeviating and cumulative, from his earliest teaching at Columbia to his participation in the founding, ten years before his death, of the American Society for Public Administration. Luther Gulick records the story. It is interesting that his service in this field, from local activity in New York to state, nation, and other countries, runs

parallel to that of his contemporary, Charles Merriam. But here too a characteristic touch is found toward the end of his life. Gulick notes his "thrusts" in 1947 at a celebration of the Fortieth Anniversary of the establishment of the New York Bureau of Municipal Research at the dogmas of reform, to the making and popularizing of which he had himself contributed greatly. He would not confine himself even within his own channels.

One cannot easily grasp the range and variety of Beard's work. This review omits even reference to the essays on his historical writings for the most part. The volume reviewed itself has little on what is surely of great importance, the corporate group which made Columbia so influential a center for graduate work in the social studies in his years there—one thinks of members such as Dewey, Seligman, Robinson, Shotwell, Mitchell, for example. Think of an introduction to public law from Goodnow, Beard, Powell, and McBain! One who was an undergraduate at a small college in those years remembers vividly the visits of young alumni studying with these men; their excitement (and their labors) over the new lines of inquiry and outlook, their sense of being apprentices privileged to work with master craftsmen who were also generous friends. They made the center of interest in a visit to New York shift from the theatre district to a crowded room on Morningside Heights. That note of the welcoming and stimulating of youth is conveyed in this volume by one who learned his lesson well—or did he ever need to learn it?—in the essay by Macmahon. He writes of Beard's "concern for the fulfillment of individuals," and of his "awareness of time and change" that was to be the motive of the Presidential Address on "Time, Technology, and the Creative Spirit in Political Science."

Perhaps we may hope that some day we will have an account of Beard as one of the inheritors from Burgess, Goodnow, and others of the pioneering group at Columbia, and of the effect upon his work of the break when he resigned. And more than can be found in the present essays on his life in the Connecticut household, of farming, lecturing, writing, and advising, of his joint authorship with his wife and with his son. Or further back of his student days, of the absorption of influences in his Indiana boyhood. There must be here some of the sources of a pride in his American heritage which would give him standards for the appraisal of other countries or dogmas, and deep concern for the conduct of public affairs and the stewardship of things he felt unique and precious. Various contributors note the increasing concern, in the later writings, with checks and balances and the constitutional channeling of power. Who, assaulted by to-day's headlines and broadcasts, can find such concern whimsical?

George Counts, in whose essay on "Charles Beard, the Public Man" so many other activities of Beard are noted, tells of a conversation in which he pressed Beard to summarize what he had learned from his study of history. After a time, Beard offered "three laws of history. And here they are:

First, whom the gods would destroy they first make mad.

Second, the mills of the gods grind slowly, yet they grind exceeding small.

Third, the bee fertilizes the flower that it robs.'

"About ten days later we took a stroll along Riverside Drive in New York City. Evidently he had been giving further thought to my question. At any rate, he said he would like to add a fourth law to his laws of history:

'When it gets dark enough, you can see the stars.'"

What manner of man said this?

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Presidential Nominating Politics in 1952. EDITED BY PAUL T. DAVID, MALCOLM MOOS, AND RALPH M. GOLDMAN. (Baltimore: The Johns Hopkins Press. 5 vols. Pp. xxii, 256; xi, 369; xi, 363; xi, 344; xi, 298. Each vol. \$3.50.

This study is the result of the Cooperative Research Project on Convention Delegations established by the American Political Science Association in 1951.¹ More than 100 political scientists from 70 colleges and universities collaborated in the undertaking which covered 104 state and territorial delegations to the Democratic and Republican national conventions. The result is the most comprehensive account of the presidential nominating process ever written.

The scope and complexity of American politics is such that no single scholar working alone can assemble, sift, and interpret the mass of materials involved in a national election. As a matter of fact all political research in the United States is made difficult by the sheer magnitude of the political system. Necessarily it has been examined in bits and pieces by a multitude of isolated investigators none of whom has been able to observe the system as a whole. More than is commonly realized, American political research has produced something of a jigsaw puzzle in which most of the pieces are missing. What is probably even more unfortunate is the fact that scholars have found it necessary to piece together separate fragmentary studies produced at intervals of time over a period of decades, with the result that the data collected are not sufficiently contemporaneous to be meaningful. In a political system as dynamic as that of the United States, the failure to cope with the factor of time is likely to be as disastrous as the incapacity to deal with the problems of space.

Only cooperative research on a large scale can be expected to provide comprehensive accounts of the whole political system at any given moment in its development. The APSA project justifies the hopes of scholars who have wanted to see research carried on in the national dimension; there is, indeed, some evidence that the results achieved by the study have exceeded the expectations of the sponsors of the project in a number of respects. *Presidential Nominating Politics in 1952* is much more than an account of the selection and behavior of the various state delegations to the national conventions; it is a national survey of American politics, and there is nothing else like it.

Four of the five volumes of *Presidential Nominating Politics* are devoted to accounts of the selection and the performance of the individual state delega-

¹ For an analysis of the development of the project see Paul T. David, "Purposes, Procedures, and Outcomes of the Cooperative Research Project on Convention Delegations," this REVIEW, Vol. 47, pp. 1116-29 (Dec., 1953).

tions to the two conventions. The reports follow a uniform pattern; they describe the processes by which the delegations were selected, their composition and personnel, the activities and voting records of the delegations, and the aftermath of the national conventions in the states, concluding with a review and appraisal of the process. In course of the state-by-state surveys, much information not readily available otherwise is turned up. Thus, for example, the studies prove that party rules are probably as important in the process of selecting delegates as are the presidential primary laws.

Nearly all of the information concerning the personnel of the delegations is otherwise unavailable to the general student of American politics; it sheds much light on the nature of the party alignment and the focus of power within the parties.

The study has developed, incidentally, much evidence of the reorganization of American politics now going on (of special interest because this is a national survey), evidence tending to show that there has been a marked decline in the status and power of the state and local party bosses. States once notoriously dominated by Penrose, the Vares, Hague, Pendergast, the Kelly-Nash organization, Murphy, Roraback, McKay, Crump, etc. sent unbossed delegations to the national conventions in 1952. The editors support this interpretation of the data. "One striking impression from the data is that very few of the state political conventions of 1952 were within the grip of a recognized political boss." One wonders how long it will take the textbook writers to catch up with this conclusion of the survey!

It is interesting to observe also that the study of 104 delegations turned up very little evidence of "deals" and that few references are made to the use of patronage to control the delegates. In the indexes to 1500 pages of text, there are only twenty-six references to patronage, none of them of decisive significance. In contrast to the great emphasis placed on patronage, graft, and bossism in the classics on American politics, *Presidential Nominating Politics* seems to say by inference that something very much like a revolution in party organization has taken place in recent times. If the character of local party organization has really been transformed as much as the study implies, it follows that there has already been a much greater shift in the locus of power in the whole party system than the editors, committed to a concept of "coordinate factionalism," seem to have been prepared to see. The implications of a decline of the boss system for American ideas about party nominations are likely to be very great indeed.

Contrary to traditional concepts of the behavior of delegates at the national conventions, the state reports suggest that the 1952 delegations took their responsibilities seriously, made genuine efforts to represent the prevailing opinion in the parties, and considered soberly the interests of the party as a whole. Thus McCandless and Schwada report concerning the Missouri Republican delegation: "The fact that so many Republican delegates were for Eisenhower was apparently a genuine reflection of sentiment within the party organization." Of the North Dakota Democratic delegation it is reported that "Most of the

delegates appeared willing to suspend, temporarily, any state party struggle in the interest of casting an effective vote in the convention." Miller reports that "In both Michigan delegations, votes were apparently based less on decisions of any small clique than upon free discussion and individual judgments."

The editors subscribe to these estimates of the evidence. "In both conventions, the tendency of the delegates to respond increasingly to the forces of national public and party opinion was apparent as one high-pressure day succeeded another. Most delegates arrived with their frame-of-mind attuned to the parochial concerns of county, congressional district, state, and region. Delegates found themselves engaged in discussions with other delegates from the opposite ends of the country, with a corresponding enlargement of points of view and a reinforcement of the emotional attachments to party that—for regular party people—are second only to religious and patriotic feeling in their intensity. In the end, most of the delegates were thinking less about the constituents in their home district and more about the problems of their party as a national organization with a national constituency—one, moreover, that could not win unless it could appeal effectively to a majority of the entire American electorate."

The evidence piled up in the individual studies demonstrates that, in spite of fifty years of direct primary legislation, the regular party organizations have generally been able to keep control of the selection of the delegations to the national conventions. The data to support this conclusion are overwhelming: two-thirds of the delegations were selected outside of the public primary system, and more than half of the delegates selected in primaries made no commitments on the ballot. Equally significant is the professional political makeup of the delegations. The substantial truth is that the delegates were usually active party politicians selected by party organizations from their own ranks. Also, the power of the party organizations to control the selection of the delegations seems to have been exercised with wide public approval and seems to have been treated with general public respect. It is noteworthy that the decline of the local party boss does not seem to have reduced the influence of the regular party organizations.

The importance of professionalism is well argued by Arthur Naftalin. "A delegation that is not representative of the party organization in its state cannot wholly fulfill its delegate function at a national convention. Delegates who have no involvement in the state party or who have no commitment or interest in the party's concerns at the congressional, state, legislative, county, and municipal levels cannot be expected to subordinate their personal preferences in a national convention to the more inclusive concerns of the state party."

In an excellent statement, the authors write that the function of the national convention is to find a candidate who is able to "unify the party in the approaching campaign for the election, [and] to consolidate the support of the party for a legislative program if the candidate reaches office." They conclude that this kind of work can be done only in a convention and can never be done for the party by a primary election, though it is a little difficult to reconcile

this declaration with other statements by the editors, who begin the study saying that "one could well ask whether the parties as organizations have any nominating functions that are special to them, and that cannot necessarily be shared effectively with the entire electorate."

Throughout the study, it seems to the reviewer, the editors are handcuffed in their evaluation of the evidence by an inadequate theory of politics. It seems reasonable to suppose, for example, that the decline of bossism which they describe will have a bearing on public attitudes toward the presidential primary. The demand for legal restraints on nominations might be expected to decline as public confidence in the party organizations increases. Similarly, the editors do not seem to be sufficiently conscious of the impact of the nationalization of American politics on the party system or the relation between the nationalization of politics and the decline of the local boss. As a matter of fact the study is not well conceived to take cognizance of the national influences at work in American politics. Historically, the development of the direct primary in the United States was closely related to the formation of a very sharply sectional party alignment in the election of 1896. The direct primary is therefore principally a phenomenon of the one-party areas produced by that alignment. The nationalization of American politics since 1932 has, on the other hand, extended greatly the area of competition in American politics and is likely to influence public attitudes toward the nominating process. If this hypothesis is correct, the heyday of the presidential primary probably has been passed already, for the public is less likely to be interested in legislative prescriptions for the promotion of strife within the parties as the party system becomes more widely competitive.

In the midst of a reorganization of American politics in the national dimension, it seems probable that the regular party organizations will be able to defend their control of presidential nominations against the attempts of reformers to impose a new body of legislative regulations on them in the interests of who knows what primitive concepts of democracy. Under these circumstances a prolonged discussion of a variety of proposals for the reform of the presidential primary misses the point of the whole study.

As a work of scholarship, the study is open to criticism because it does not relate sufficiently the material concerning the selection of the delegates to the conclusions of the authors about the behavior of the delegations in the national conventions.

Despite these limitations, *Presidential Nominating Politics in 1952* is so successful that it is to be hoped that the experiment will be repeated in 1956. If it is repeated the editors will doubtless want to reconsider the pattern of questions to which the study addresses itself. One of the limitations of an accumulation of local studies is that it may miss very badly the decisive influences in an election.

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The Voter Decides. BY ANGUS CAMPBELL, GERALD GURIN AND WARREN E. MILLER. (Evanston, Ill.: Row, Peterson and Co. 1954. Pp. xiii, 242. \$4.75)

This volume is the result of an intensive analysis of voting behavior in the 1952 presidential election, conducted by the Survey Research Center of the University of Michigan. The study was sponsored by the Committee on Political Behavior of the Social Science Research Council, which served in an advisory capacity during the course of the study. Funds were provided by the Carnegie Foundation. Over 2,000 persons, representing all parts of the country, were interviewed prior to the election, each for an hour, and 1,614 of these were reinterviewed after the election, each for a half hour. Although this is a relatively small sample, it may be assumed that unusual care and skill was exercised by the staff in selecting the persons to be interviewed so that they would be representative of the entire voting population.

A similar but much smaller survey was conducted following the 1948 election, and at many places in this study the voting behavior in the two elections was fruitfully compared. The differences in the two elections were frequently striking, giving rise to the observation of Professor V. O. Key in the foreword that failure to recognize these variations has frequently caused prognosticators to come to grief. It is difficult, however, to hazard which of these two elections was atypical. The authors of this volume evidently regard the 1948 election as the more typical, but this assumption is certainly open to question.

The objectives of the study, carefully outlined in the opening chapter, were to identify voters and nonvoters, Republicans and Democrats, with regard to (a) socio-economic characteristics, and (b) attitudes and opinions on political issues, and perceptions of the parties and the candidates. Comparisons of these groups are made with the corresponding groups in the 1948 election, and special attention is given to undecided and changing voters. Part I of the study summarizes the facts brought to light concerning the behaviors and attitudes of voters in the 1952 election, including the time of decision, the extent of public interest and participation in the campaign, the public perception of parties and the candidates, and the demography of the vote. This part follows rather closely the pathbreaking study by Paul Lazarsfeld and associates in *The People's Choice* (New York, 1948), which surveyed the voting behavior in Erie County, Ohio, through a sample of 600 persons.

Part II is concerned with the motivation of voting behavior, and it is in this part that the authors push their inquiries into new areas and undertake new methods of analysis. Here the authors analyze and classify their data in an attempt to explore the major psychological variables which influenced the voter in his choice. The emphasis is not upon group influences and pressures, which were stressed in the Lazarsfeld study, but rather upon the motivation of the individual. The data collected from the sampling interviews are collated with respect to three basic factors: (1) personal identification with one of the parties; (2) concern or orientation with respect to national issues, and (3) orientation to the two presidential candidates. Some attention is given to the influence of associates and groups, the belief in the efficacy of voting, and the sense of civic obligation to vote. These latter topics are relegated to the appendix.

What were the significant findings of the study? In what respects do they correspond with or differ from those of preceding studies? Do they confirm or discredit the opinions of politicians and political writers who have undertaken to explain the reasons for the outcome of the 1952 election? In what regards do they throw new light on voting behavior and open up new hypotheses for further study and exploration? Do they support or negate the often expressed opinion that the vote of women was an important factor in the election of Eisenhower? That his promise to go to Korea influenced the outcome? Or that his popularity was the decisive factor in the result?

The study throws much new light on the voting behavior in the 1952 election, confirming certain commonly held impressions, but also introducing many new and unsuspected factors. The authors are meticulous in limiting their conclusions to those strictly justified by the data; others may find in the numerous tables summarizing the results of the interviews many other clues to voting behavior which they think worthy of further study.

The 1952 election brought to the polls 61.5 million voters, as compared with only 48.5 four years earlier. Why the higher turnout? The authors reason that the voters were more highly motivated, which is another way of saying that public interest ran higher. But the detailed data give important clues to the higher interest: the greater attractiveness of the candidates, particularly Mr. Eisenhower; the greater concern over issues, especially foreign. But there were many other explanations, which the authors, sticking to their data, do not explore. These include, for example, the fact that the outcome in 1948 was regarded generally as a foregone conclusion, always a depressant of voting, whereas in 1952 the outcome was generally regarded as in doubt. Far greater funds were spent by both sides in the campaign, and television for the first time became an important factor. But one astonishing fact brought out in the study is that voting declined from 1948 to 1952 in the metropolitan centers, although markedly increasing elsewhere.

When does the voter make up his mind? The authors state that whereas in 1948 as late as October some 19 per cent of the public had not decided on the choice between the two candidates, with the late deciders voting two to one for Truman, in October 1952 the corresponding figure was only six per cent, with the division of the late deciders between the two major candidates being the same as for voters who had decided earlier. While the data are somewhat contradictory, they indicate that immediately after the national conventions two-thirds of the voters made up their minds once and for all; 60 per cent of these favored Eisenhower. The results were not altered by the campaign, as they were in 1948.

The authors state categorically that the Eisenhower victory was not due to the women's vote, though the statistics given by sex indicate that 41 percent of the women interviewed voted Republican, while only 28 per cent voted Democratic. In 1948 the corresponding percentages were 26 and 29. The greatest shift was in the farm vote and in rural areas, which in 1948 had gone two to one for the Democrats, and which now switched to two to one Republican, and

turned out in much larger numbers. As is well known, Eisenhower drew many votes from Democrats. Stevenson drew 74 per cent of his votes from regular Democrats, while the regular Republicans constituted only 56 per cent of the Eisenhower vote. One-fourth of Eisenhower's vote came from persons who had voted for Truman in 1948. These constituted the great bulk of the undecided and the switchers. Evidently many of these voters toyed with the idea of voting for Dewey in 1948, but returned to the fold on election day; in 1952 they were attracted to the Republican side, largely because of the candidate, and stayed with it on election day.

Students of politics will be interested in the statistics concerning active participation in the campaign. Four per cent of the respondents contributed financially, though 12 per cent were solicited; three per cent did party work, and seven per cent attended political meetings. More than a fourth of the voters urged others to support their candidate, including some who failed to vote themselves! The data indicate in considerable detail the numbers of voters who were greatly interested and concerned about the outcome of the election, those only mildly concerned, and those who were apathetic. It is of interest to note that the percentage of those who voted was much lower in the high interest group of the Democrats than in the corresponding group of Republicans.

The data on party identification will also be of great interest to the student of political behavior. One of the major findings of the study, which belies common impressions, is that party identification for the great majority of voters is very real and continuing. Three-fourths of the voters regarded themselves as members of one of the major parties. Although one-fourth of the respondents stated that they were independents, on further questioning only seven per cent indicated that they did not favor one party or the other. Even those who switched and voted for the opposing candidate still regarded themselves as identified with their party. An important corollary to this finding is that a large number of voters who switched or who voted Republican for the first time do not regard themselves as firmly attached to the party, and whether they will remain with it will depend upon future events. There were very few switchers to the Democrats, but the new Democratic voters, in contrast, regarded themselves as strongly attached to the party. What this forbodes for the future, only time will tell.

The analysis of issue orientation is, at least for this reviewer, somewhat inconclusive. Whether the Korean war was the decisive factor, causing many loyal Democrats in the low income groups to leave the party, cannot be ascertained from the study. Generally, only about a third of the voters were informed on the stand of the parties on issues; another third thought there was no difference in their stands; and the other third did not know. The issue orientation of the Democrats in the South who switched to Eisenhower was practically the same as that of the regular Republicans of that area.

This is a notable study of political behavior. The attempt to identify and evaluate several significant factors of voter motivation—partisanship, issue orientation, and the appeals of the candidates—utilizes a new technique of

political analysis. However, as the authors point out, these factors are closely related to one another and are not neatly separated in the mind of the voter. For this reason, it is questionable whether this technique can ever provide fully satisfactory explanations of voter motivation. The authors are to be commended for the great caution which they exercised in drawing conclusions from their data. Teachers and research students of the subject owe a heavy debt to them for a volume which will serve as a sourcebook and an inspiration for continuing studies.

JOSEPH P. HARRIS.

University of California (Berkeley).

Government and Science. By DON K. PRICE. (New York: New York University Press, 1954. Pp. 203. \$3.75.)

The endless frontier that is science has advanced so far, so rapidly, so dynamically that every human institution has felt its revolutionary impact. Government is no exception; and Don Price would be the first to acknowledge that his book, pioneer effort that it is, has fallen short of fully comprehending this impact. Yet in his Stokes Lectures he has carried this analysis considerably farther than any contemporary writer. Here is a creative mind operating on data both old and new, bringing new insights and a new dimension to the study of government.

The work opens with the thesis that scientific research and professional discussion, rather than political conflict and pressure groups, have historically been the principal determinative factors in national policy and administration. A considerable number of examples of such influence have been woven together, not enough to prove the point but sufficient to intrigue the reader. The union of popular pragmatism and the prestige of our scientists has created an atmosphere such that the present day is witnessing the full flowering of scientific influence on governmental policy.

It is in such a setting that the dilemma has risen between the traditional freedom of the scientist and the imperious demands of a government whose very existence may someday be threatened. The problems thereby created are analyzed. An important contribution toward responsible freedom lies in contracts with universities and other institutions in lieu of the alternative of direct government operation. On the other hand, the current indiscriminating passion for "security" is a threat greater than any which might lie in a strong and responsible executive.

How far and through what means science and the scientists should advise government, to what extent they should determine its actual policy—these are the two major questions to which the remainder of the book is devoted.

The questions raised are important and clear. The author's answers are more implied than explicit.

Science in government, including government subsidy of basic research, can and should be administered within the governmental hierarchy, at least to the extent that there should exist policy-determining officials in line of authority

who will assume responsibility for approving and disapproving research programs, and fighting for those approved. Such lines of authority should operate in an institutional setting which also provides for tapping of the best scientific minds for advice. Such advice should be free of governmentally imposed restraints except for overriding security considerations. Moreover, important sectors of research should be devolved or "federalized" by contract to private agencies. Criticism of existing policy is itself to be institutionalized, chiefly by maximizing its responsible freedom through such contractual relationships.

The reviewer would call attention at this point to the role which the Congress plays in such criticism, especially now that its powers of investigation and criticism even to the point of formulation of alternative policies are strongly buttressed by staff experts. There is no better way to illustrate this than to note the recent report of the Riehlman Subcommittee of the House Committee on Government Operations (House Report No. 2618, 83d Cong. 2d Sess.) and to note how closely it parallels the reasoning and the inquiries of this study, and how precisely it identifies its many and serious problems.

The top nonpolitical administrative echelons of government must be greatly strengthened. At this level science should not dominate. Rather its findings are to be among the factors fed into the process of high formulation of high policy, policy which transcends science because it deals with objectives and values. These high administrators should be of three types: outsiders of ability recruited for specific tasks and doubtless somewhat limited periods, scientists promoted for the purpose, and career administrators.

We shall hear more of this fruitful subject in the coming years, and we can ask no more than that the same urbanity, objectivity, and sense of statesmanship that appear in this book shall pervade these future discussions.

ERNEST S. GRIFFITH.

Library of Congress.

The Moral Foundation of Democracy. BY JOHN H. HALLOWELL. (Chicago: University of Chicago Press. 1954. Pp. ix, 134. \$3.50.)

Professor Hallowell is in no doubt that all the really important things which need to be said about political philosophy have already been said by Plato, Aristotle, and St. Thomas Aquinas. The last of these authorities is not mentioned by name, but I do not think that Professor Hallowell would question the statement that much of the "Hebraic-Greek-Christian tradition" derives from him.

The book, therefore, contains no surprises. It opens with a criticism of the view of political obligation supposed to have been held in Greece by the sophists Callicles and Thrasymachus and to have been refuted by Plato in the *Gorgias* and the *Republic*, namely that "duty" means either "what is pleasant" or "what is expedient." Whether Callicles and Thrasymachus actually held this view or not, we do not know, since their doctrines are not available for study. It is, however, a very silly view, and so are those attributed to their successors in Britain and the United States. I am not, however, confident that they did hold

it. They may only have been offering practical advice to politicians and saying something like "If you want to predict the way in which people will behave, you had better assume that they will be guided by selfish rather than by disinterested motives." This, after all, was what Machiavelli was saying in *The Prince*.

Such a view may be bad psychology, but those who put it forward are neither agreeing nor disagreeing with Plato. They are talking about what they think happens in the world, and not about what ought to happen. They may also hold that "What ought to happen?" is a futile question, but this needs further evidence which, in the case of Machiavelli at least, is not forthcoming.

Where I disagree with Professor Hallowell, however, is not in his attack on "positivism" which, in the sense in which he uses the word, is not worth defending. It is his assumption (which he nowhere attempts to justify) that there is no middle ground between this view and the position which he advocates. This position is substantially that no democratic state can avoid degenerating into anarchy or tyranny unless all or nearly all the citizens of it subscribe to certain principles which are its moral foundation. What these principles are remains rather vague. It is not, for instance, clear whether female suffrage is included in them; and slavery (or serfdom) deserves attention. In fact, I feel that Professor Hallowell is in something of a quandary at this point. He would, I think, be embarrassed by the question, "At what moment in their history did the United States become a 'true,' 'real,' or 'genuine' democracy?"

This trouble arises inevitably because Professor Hallowell is not quite sure what to say about liberalism. It cannot be given a blessing since it is notorious that many of the great liberals both in the United States and Europe were not Christians; but, equally, it cannot be condemned, since the principle that human beings are important, that they ought to be treated as important in themselves and not used simply as means to further the ends of others (or of the state) is a liberal rather than a Christian view. Professor Hallowell certainly adheres to this principle, though he does not explain clearly how it is to be reconciled with the highly organic conception of the state which he accepts uncritically from Plato.

Hence his argument seems to me to be broken-backed. In order to maintain his tough disjunction between "positivism" on the one hand and "the Hebraic-Greek-Christian tradition" on the other, he is driven to maintain that liberals can be divided into sheep and goats and distributed between his two accepted positions: the good ones were really living on Christian principles inherited from their ancestors, the bad ones were really "positivists" in disguise. It would surely be a fruitless occupation to attempt to fit this strait jacket on to the Makers of the American Constitution or their liberal successors in the United States and Britain.

Indeed it seems to me that "Foundation" is an unhelpful word to use in this context. Certainly most people in advanced countries have principles which they are most reluctant to modify and which they will maintain at the cost of their lives. But they do not all have the same principles, and they need not hold their principles blindly. Why should it be wicked for the citizens of any state

to ask what good reasons there are for adhering to a particular principle? Professor Hallowell would probably refer to divine guidance or natural law here and that is where I disagree with him; but I certainly don't hold with the Callicles-Thrasymachus view either.

T. D. WELDON.

Magdalen College, Oxford.

The Appeals of Communism. BY GABRIEL A. ALMOND. (Princeton: Princeton University Press. 1954. Pp. xix, 415. \$6.00.)

This meaty study of why people join the Communist movement and why they leave it is the product of a four-year research project carried out by Professor Almond and a group of associates at the Princeton Center of International Studies. Its main findings are based on intensive interviews with some 221 former American, British, French, and Italian Communists; biographical data on the members of the Central Committees of the French, Italian, and American parties; and some 35 clinical case histories of Communists supplied by a group of American psychoanalysts. Despite the limitations of the sample, of which the authors are fully aware, their exploitation of it represents a model of careful empirical analysis, and their conclusions and hypotheses display imaginative insight and sound judgment as well as methodological rigor.

The book opens with a portrait of the Communist militant, member of a highly centralized, disciplined, fighting formation organized for the purpose of seizing power. This esoteric image of the party, which is derived from the Communist classics and propagated in the party's elite media, is, according to Professor Almond, "rarely perceived by persons at the point of admission into the movement." The mass media of the party, which are directed at the neophyte or sympathizer, concentrate their fire on the "evils" of the existing society while the "good" alternative, communism, is merely vaguely sketched as "peace-loving, freedom-loving, democratic, and the like." In Professor Almond's words: "A person who has simply assimilated the pattern of political action represented in the American *Daily Worker* has no conception whatever of what the Communist movement really is . . . the great problem of learning in the Communist movement is not posed at the point of admission to the movement but only after admission, as recruits are exposed to the inner doctrine and practice of the party." It is this process of testing, sifting, and indoctrination which produces the "hard core" militant; it also brings disillusionment to those who cannot reconcile the libertarian and humanitarian appeals which led them to enroll in the party with the authoritarianism which prevails in it.

Among the most interesting of Professor Almond's findings are the differences revealed in the four parties studied. The most distinguishing characteristic of the American party is the heavy predominance of foreign-born and children of the foreign-born who fall victims to the processes of acculturation in American society. A high percentage of the American ex-Communists reported that they had broken with their families, and many of them viewed the party "as a means of solving personal problems of rebelliousness, isolation, and the

need for certainty and security. Hatred of the antagonist was revealed as especially intense. The [party] leaders were . . . often characterized as ruthless, hard, and cynical" and at the same time viewed with "awe and adulation." The British respondents reported a very different pattern. "The relationships between the leaders and the rank and file seem to have been more relaxed and close. Only a small proportion . . . felt under pressure to subordinate their family and other personal relations to the party. . . . Hatred of the antagonist does not appear to have been as strongly stressed in the British party." The Italian respondents included the largest proportion of persons with no exposure to Communist doctrine at the time of joining, with no formal political training while in the party, and with a maximum of nonparty connections and associations. These characteristics may of course be merely a temporary reflection of the mushroom growth of the Italian party, but it is worth noting that of all the parties the Italian appeared to be the least well-integrated and indoctrinated. The French Communists, on the other hand, included the largest proportion of ideologically conditioned recruits and fully indoctrinated and dedicated militants.

Professor Almond's analysis of the economic, social, and political backgrounds of his respondents also yields some interesting conclusions. His data suggest that by far the largest proportion of party members came from middle- and low-income groupings, rather than from poverty-stricken homes, that working-class members have better prospects in the party than middle-class recruits and are more often moved to join the party as a result of occupational dissatisfaction and declining social status. Although the findings of the study challenge the popular stereotype that Communists tend to be recruited from irreligious homes, they also reveal that pietistic backgrounds tend to be more characteristic of the party rank and file than of the leadership, and they indicate that most of the respondents had rejected their religious upbringing before joining the party. Among those interviewed the largest single group came from families with left-wing political identifications. As might be expected, such backgrounds were more characteristic of the French and Italian respondents than of the American or British. Prior activity in a "front" organization often served as the threshold to party affiliation. The heaviest party enrollment occurred in three types of situations: (1) when the party appeared to be moderate and patriotic, as during the Popular Front and World War II period; (2) during the social dislocations of the depression; and (3) when the party presented itself as the "wave of the future" in the period immediately after the First and Second World Wars. As Professor Almond notes, "it is in situations in which the party appears to be least deviant that it is most successful in recruiting new members."

As perhaps might be anticipated in a study which draws the bulk of its data from interviews with former Communists, the richest and most authentic findings relate to the experience of defection. This process "is affected by the characteristics and expectations of the individual, the aspects of the party to which he has been exposed, the degree of his commitment and involvement in the par-

ty, and the opportunities available to him in the outside world." Most defectors, and more especially those of high rank in the party, undergo a long and painful period of doubt and conflict before breaking with the party. As Professor Almond points out, "a substantial proportion of persons leaving the party do not reject communist ideology (as they perceive and understand it) in its entirety at the time of defection. These individuals go through a process of ideological disenchantment which in the extreme case may take years to complete." Despite dramatic examples to the contrary, only a small proportion of defectors become religious converts or embrace right-wing conservative philosophies. Most gravitate to the moderate left or withdraw into political apathy. The most typical pattern in Great Britain is retreat into the Labor party; in the United States the defector is apt to waver between support of the non-Communist left and political inactivity. The French and Italian ex-Communists manifest a high index of political indifference, a reflection in part of the lack of an effective moderate left-wing alternative to communism.

Professor Almond reserves the policy implications of his findings for his concluding chapter. His major criticism is directed against the simplistic view "which approaches all Communist movements and all Communists as though they were identical. . . ." Since he regards the American and British parties as relatively insignificant "deviational" movements, he is critical of those who feed hysteria by portraying "all party members as equal participants in the Communist conspiracy." He feels it particularly important in the United States to preserve a road back for the dissident Communist by removing the heavy sanctions which have been imposed on past party membership. The problem of communism in France and Italy is of a different order. There, he believes, "the Communist parties fulfill political needs, needs for protest against an inequitable distribution of values and stalemated societies which offer no promise of future improvement, needs which are not embraced by any other powerful and militant political movement." Even if his indictment of the French and Italian social structure be overdrawn, it remains true that a political vacuum has been created on the left which the Communist parties and Communist-dominated trade unions have largely occupied. If the Communist movements in France and Italy are to be weakened, the grievances on which they feed must be eliminated. Professor Almond sees as the only real hope "the emergence of a broad non-Communist movement on the left capable of . . . pulling from the Communist parties and the Communist-dominated trade unions the many disillusioned workers and intellectuals who are loyal to the party only because of the absence of an effective alternative."

MERLE FAINSDOD.

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The Middle East: Problem Area in World Politics. By HALFORD L. HOSKINS. (New York: The Macmillan Co. 1954. Pp. vi, 311. \$4.75.)

Here is a book that should be received with grateful recognition by all those who are seriously concerned with international security and the role the Middle

East has to play in it. Dr. Halford L. Hoskins, a distinguished historian and political scientist, brings forth in this volume facts and interpretations drawn from his broad and deep knowledge of European, Middle Eastern and African history and contemporary politics. Happily blending the topical with the regional approach, the author reviews, consecutively, the problem of the Straits and the role of Turkey in the cold war; the significance of the Suez Canal in world strategy; the problems relating to the Sudan; the issues posed by the emergence of Israel; the problem of nationalism, as manifested in both the Arabian and the Iranian regions of the Middle East; the significance of Middle East oil; the programs of technical assistance; and the overall problem of strategy in Middle East defense.

The book is essentially a work of analysis, and as such it has, in this reviewer's opinion, no peer in the existing literature on the Middle East. Well-proportioned, written in masterful English, and remarkably free of bias and sentimentalism, Dr. Hoskins' volume presents a brilliant and lucid discussion of all those major issues of the Middle East that are relevant to the security and welfare of this country as well as to the political destinies of the world. Facts supplied by the author are plentiful, but they are not pedantically overwhelming. A politically conscious layman will learn from the book a good deal without being annoyed by minute details. A specialist will be grateful to the author for not repeating the factual material which should be known to experts and for concentrating on essentials. Yet, even with this fine quality of condensation, the author has been able to include unobtrusively a very impressive amount of new factual information which may materially help in the understanding of the major issues discussed.

Speaking, in the opening part, of the problems of imperialism, the author exposes the "salt-water fallacy" which has led many to condone the accretions of territory and power through land expansion while condemning similar processes if conducted in areas separated by oceans from the metropolis. As to the frequently debated power-vacuum in the Middle East, the author is convinced that the area's ability to avoid absorption into the Soviet sphere has thus far been due mainly to American power, which has in fact become the guarantor of the Middle East's independence. Of Turkey the author speaks in soberly warm terms, duly noting that her success in warding off totalitarian aggression has been a product not of mere luck, but, primarily, of the outstanding qualities of her people and government. The discussion of the Suez issues is most illuminating, and the account of a little known story as to how Egypt had been deprived of her share in the income from the Canal, despite her major contributions to its construction and financing, serves as a useful reminder of the depth of Egyptian grievances in this matter. Jordan, says the author, "is the only state in the Middle East that owes its existence wholly to Great Britain." Its strategic significance is carefully examined. The Arab League receives a realistic appraisal. "Its importance," says Dr. Hoskins, "lies in its ability to take sides in the vital contest between two antithetical world systems; in its ability, by shaping the political attitude of one of the most strategic of all areas,

to influence the final outcome of that contest. Lightly to value the league because of its many shortcomings is to incur hazard in the cold war."

The two chapters on oil provide a penetrating analysis of the economic and strategic aspects of this commodity—a subject on which Dr. Hoskins, as author of *Middle East Oil in United States Foreign Policy* (Washington, 1950), is well-qualified to speak. His dispassionate and constructive discussion of the Point Four program supplies a most useful antidote to a great deal of wishful thinking that has been displayed on this subject in the recent past. Reminding the readers of the fallacy of belief that an area basically poor in natural and human resources can be brought up to the "level of health, wealth, and culture which would be considered satisfactory in comparison with standards in Europe and in the Americas," the author rightly observes that political obstacles are the greatest of all those encountered by technical aid programs and that "an excess of aid, maladroitly given, may only add color to the charge of 'imperialism' ever beamed from Moscow. . . ." Concerning defense strategy—the subject of the concluding part of the book—Dr. Hoskins believes that recent changes in the power position of Great Britain "made British prestige in the Middle East a very fragile foundation on which to erect a security system possessing the qualities of a barrier to Soviet designs." He calls, therefore, for a thorough reappraisal of existing strategic concepts, with a careful study of Middle Eastern attitudes and of means of achieving better co-ordination of American and British policies.

By consistently linking the problems of Middle Eastern diplomacy and strategy with global security considerations, Dr. Hoskins has underscored the Middle East's importance in world affairs, while steadfastly avoiding exaggerations born of prejudice or lack of perspective. His excellent work should materially contribute to the stimulation of interest in Middle Eastern studies among enlightened public and academic circles alike.

GEORGE LENCZOWSKI.

University of California (Berkeley).

Some Dependent Peoples of the South Pacific. BY LINDEN A. MANDER. (New York: The Macmillan Co. 1954. Pp., xix, 535. \$6.75.)

With this book, issued under the auspices of the International Secretariat of the Institute of Pacific Relations, Professor Mander ventures into a geographical area that has seldom attracted the serious attention of American political scientists. American missionary societies, anthropologists, and a few historians, military officials, and cartographers have concerned themselves with their respective problems in it; but even for the majority of them it is a remote and little understood region. Doubtless this neglect has been due in large part to the fact that until recently the United States has had only extremely minor commitments in the area. Nevertheless, administrative problems in the Pacific have intrinsic interests the equal of any, and since World War II they have assumed an unexpected importance for the American government and the American public. It is therefore well that we come to know this part of the

world and particularly that we bring all our disciplined efforts to bear upon an understanding of it.

It is most important that a political scientist approaching an area such as the Pacific, inhabited as it is by a variety of peoples, be prepared to flex his traditional concepts to accommodate the unorthodox material. Professor Mander is fully aware of this caution and of the complexity of his problem. He recognizes that an understanding of local cultures is a prerequisite to an evaluation of the administrative policies affecting the natives and that we must "interpret the colonial problem in deeper terms than politics and economics and see it in its cultural dimensions." He has prepared himself for this task by making two visits to the South Pacific, where he consulted administrators, educators, missionaries, business men, and anthropologists. Unable for obvious reasons to fulfill the ideal of acquiring a first-hand knowledge of native life, he has drawn freely upon the reports and experience of men who have had this opportunity.

The aim of the author is to present contemporary problems of government which have arisen as a result of the alterations in indigenous customs produced by European colonization and administrative policy. His procedure is first to describe briefly those aspects of native life which have been affected most significantly by the advent of Europeans; then second, to trace the pertinent features of the contacts between Europeans and natives over the years up to the present; and finally, to describe the consequences of the contacts as they relate to the policies and controls of colonial powers having jurisdictions over the area. Thus he combines the scholarship of anthropology, history, and colonial administration. Because these three elements vary markedly from place to place, the analysis is particularized by locality.

Eight areas are treated: New Zealand, Western Samoa, Australia, Papua-New Guinea, British Solomon Islands, Tonga, Fiji, and the New Hebrides. These jurisdictions have been selected for their essential interest, but more especially because they exhibit variations on the theme of colonialism. In New Zealand the Europeans took the land only after bitter fighting. Following a period of population decline and demoralization, the Maoris have reestablished themselves under conditions as favorable as any in the areas reviewed. The Samoans were exposed to the by-products of a conflict in power politics around 1900. After an interval of German rule the western islands were mandated to New Zealand. Their people have been restive under foreign domination, and during the 1920's their discontent took a serious turn; in 1947 they petitioned the United Nations for a greater degree of autonomy. The first settlers in Australia found nomadic bands of unaggressive natives whom they treated ruthlessly. Many of the aborigines were exterminated; survivors now inhabit the less desirable parts of the continent where they live much as their ancestors did. New Guinea contains by far the greatest native population. Much of the interior of the large island is inaccessible or uncontrolled, cultural diversity is extreme, and administrative problems are correspondingly complex. The Solomon Islanders suffered under the depredations of "blackbirders" and have been

difficult to administer ever since. Tonga presents an almost unique case of a happy blending of a native monarchy with a system of indirect rule. Fiji is plagued by race and land problems. Indians outnumber Fijians and sharp issues divide the two groups on questions of political representation. The New Hebrides offer an instance of joint rule. The condominium government, composed of France and Great Britain, has so far been unable to present a unified policy, in consequence of which native welfare suffers.

The analysis of these cases is recommended reading for students of comparative colonial administration, as well as for anyone interested in the Pacific in modern times. It might be said that the author attempts too much in one volume, but this is scarcely a legitimate criticism of the type of inquiry which this study is intended to be.

H. G. BARNETT.

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French Administrative Law and the Common-Law World. BY BERNARD SCHWARTZ. INTRODUCTION BY ARTHUR T. VANDERBILT. (New York: New York University Press. 1954. Pp. xxii, 367. \$7.50.)

Foreign administrative law has lured comparativists into its study for almost a century. But unfortunately all too frequently such research has resulted in distorted impressions and biased reactions. His monumental but misguided investigation of English administrative law at the middle of the 19th century prompted Rudolf von Gneist to publish a pamphlet entitled *Der Rechtsstaat und die Verwaltungsgerichte in Deutschland* in which he lashed out with violence against the views of Otto Bähr, who in his now classical pamphlet *Der Rechtsstaat* had advocated that judicial control of administrative action in Germany be lodged in the ordinary courts of justice. Gneist's views won out. But his victory is still deplored by many German experts. Dicey's well-known superficial and erroneous indictment of the French *droit administratif* had its lingering effect for over a generation. Even today English scholars still express their marvel over the unfounded attack.

The administrative law of France in particular has been the favored focus of attention from foreign comparativists, not only in nations whose institutions are directly inspired by the French model, but also in many other countries. The reason for this attraction lies in the fact that French administrative law was the first to coagulate into a well-defined though steadily advancing system.

Its development now stretches over a period of 155 years and is chiefly the result of the patient and enlightened labors of the Council of State, France's supreme administrative court. As its vice-president, René Cassin, stated in his eloquent address commemorating the 150th anniversary of the Council, this celebrated tribunal owed its career to a "very remarkable historical paradox." For its origin can be traced to the combined effects of a revolutionary statute, withdrawing administrative action from the cognizance of the ordinary courts of justice, and of the democratic need for judicial protection of the rights of citi-

zens against administrative encroachment. In the performance of its adjudicatory tasks the Council of State grew step by step into a veritable and immensely respected court.

Actually the warp and the woof of modern French administrative law is the product of the impressive mass of painstaking adjudications by the Council of State. Even areas which are now codified by statute, such as the legal status of public officials, show the imprint of the pre-existing case law formulated by the Council of State. The legal acumen and the progressive spirit of this great body, which is aided by the guidance given to it by the remarkable institution of impartial Government Commissioners selected from outstanding members of its staff, has endowed the stream of these adjudications with a singular fascination. Sixteen years ago I endeavored to map its course for the American reader and published my study in a detailed paper running in three installments in the *Boston University Law Review*. Professor Schwartz has now engaged in a similar task in the book under review. If the bibliographical references of the author are a conclusive test he has unfortunately remained unaware of my efforts. As a result, of course, in reading Professor Schwartz' book I could not help vacillating between the pangs of frustration so familiar to backseat drivers and the chagrin of a father whose son has been snubbed by a fraternity. But so much has happened during the interval in the development of administrative law both in this country and in France that undoubtedly a new survey has its justification.

The main part of Professor Schwartz' presentation focuses on the method and scope of judicial review of administrative action (pp. 108-249) and the liability of the state and public officers (pp. 250-305). But four introductory chapters set the stage by giving a bird's eye view of the French legal scene under the heading "A Common Lawyer Looks at the Droit Administratif" and following it up with a description of the three principal actors in the play, *i.e.*, the administrative courts, the law courts, and the administration. The book concludes with an overall evaluation entitled "Droit Administratif and the Rule of Law." In his discussion of the review of administrative action Professor Schwartz first tries to give a picture of the procedural aspects of litigation before the administrative courts and the two forms in which it is conducted, *viz.*, proceedings for full relief, especially damages, and proceedings for annulment of the administrative action. It is the latter type of proceedings, especially in the particular form of *recours pour excès de pouvoir*, which has become the mainspring of the judicial control of legality, and in the words of a modern French scholar the manifestation of a "certain type of ethics in liberal politics." Professor Schwartz then turns to the questions of availability and the scope of review, particularly in the *recours pour excès de pouvoir*. In the chapter on availability of review the author discusses first the general exceptions from reviewability, with the main emphasis on the theory of "acts of government," and then takes up the more technical doctrines of "ripeness" and "standing." In the chapter on the scope of review, the longest in the book, Professor Schwartz surveys the four traditional French grounds for annulment: lack of jurisdiction, nonobservance of proper

form or procedure, abuse of power, and error of law. He notes that, especially in the post-liberation era, the Council of State has steadily expanded the scope of judicial review and developed principles analogous to the much decried American doctrines relating to "jurisdictional facts" and "mixed questions of law and fact." In the chapter on liability of the state and of public officers we are shown how far France has gone in shielding the officers from personal responsibility for acts not tainted with "personal fault" and, conversely, in imposing liability on the state for injurious encroachments on the economic interests or political liberties of the citizens.

Professor Schwartz deals with his subject by employing "the comparative method," an approach enthusiastically hailed by Chief Justice Vanderbilt in his Introduction. This signifies that French administrative law problems and their solutions are continuously contrasted with and projected against equivalent or analogous situations elsewhere. There is no question that in general such an approach is commendable because it not only helps the native student in familiarizing himself with the foreign milieu but demonstrates the common bond between the great Western democracies. But in my opinion the author has carried the method to extremes and I was not able to read the book without personal misgivings—which, I hope, are not merely diagnosed as an acute attack of the "not-being-cited disease." The book is studded with quotations from American judicial opinions and text writers which, while parading the copious arsenal of such ammunition at the disposal of the author, make for tedious reading and are of no particular help to the reader. Moreover, the author revels in outworn clichés, exaggerations, and half-truths. Thus, his "typical" common lawyer is a myopic *bête noir* happily no longer prevalent and doomed to certain extinction by the modern law school. Professor Schwartz' assertion that French law is "a realm where the Code reigns supreme" is certainly highly inaccurate in actual practice as well as in theory. Only recently Professor René David, an eminent French legal scholar, referred in public and with engaging frankness to the "*législateur un peu sénile*." Similarly, the author's quotation from Duguit referring to an alleged German doctrine which exempts the state from the principle of legality unnecessarily repeats an erroneous impression of the great French jurist and is apt to perpetuate a wrong picture of the law of the country which prides itself on being the cradle of the *Rechtsstaat* idea. Worst of all, Professor Schwartz' comparative presentation is at the expense of a truly complete and perspective picture of the French system. In many instances the author's ideas of a comparative approach subject French doctrines to a Procrustean treatment. Thus, for example, the basic principle that only administrative acts, as distinguished from other government action, are subject to judicial control by the administrative courts is lost in the shuffle. In addition, the over-rich common law stuffing smothers the flavor, the spirit, and the elegance of the French approach. Greater emphasis should have been placed on the historical evolution of French administrative law with its fascinating interaction of theory and practice and on the most recent transformations. Especially significant in the latter respect are the

Council's modern preference for resting decisions on the merits rather than on technicalities, its constant contraction of the field of nonreviewable action, and its courageous concern for the protection of the legal rights of citizens. Thus, in a recent case the Council of State, following the advice given to it by its senior Government Commissioner, M. Letourneur, has condemned the action of the authorities who for political reasons and without disclosure of their motives excluded certain candidates from admission to the national school of public administration.

There is no question that a real understanding of the French system can only be gained by a sustained delving into the original source materials. Professor Schwartz deserves credit for having made another valiant effort to accomplish a nearly impossible task. At any rate the book should be useful in eradicating some apparently still prevailing prejudices and preconceived notions. Certainly I could hardly trust my eyes when I read in the Introduction that it took Professor Schwartz' book to free a leading expert in administrative law, such as Chief Justice Vanderbilt, from the misconceptions instilled by the "superficial views of Professor Dicey and his school." After all, Dicey himself had confessed error nearly half a century ago and literally dozens of respectable authors in the field of administrative law have since tried to set the record straight.

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BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

The American People in The Twentieth Century.

By OSCAR HANDLIN. (Cambridge: Harvard University Press. 1954. Pp. x, 244. \$3.75.)

Many phases of the American past are today being reinvestigated and reinterpreted with unprecedented vigor. Reflecting perhaps a national loneliness and a longing for security in an imperfect world, Americans are more than ever inclined to ask questions about themselves. In line with this new interest, a prominent school of historians has been laying stress upon elements of uniqueness in American society. To the ever-increasing literature of assessment, Professor Oscar Handlin, Harvard historian and Pulitzer Prize winner, has made a notable and readable contribution. His book is one of the Library of Congress Series in American Civilization.

Professor Handlin views the American people in terms of their ethnic and national ancestries. These groups are the actors in the American drama. They respond primarily to external stimuli; to what extent they write the script is not especially clear, but the author feels that they have some effect. The principal purpose of the book is to analyze the impact in this century of major events—two wars, increased industrialization, depression, post-war reactions—on these various groups.

The collective impact of leading developments has, of course, been weighty, and the chronicle makes exciting reading. In general, the author finds that the pressures generated by external events have not only created new tensions but have also speeded up the process of assimilation and acculturation. The groups which have least benefited are Negroes and Mexican-Americans although in their cases, too, Professor Handlin calls attention to improvement in social status.

With the author, one takes pride in the successful chapters of the story, and one shares with him a feeling of shame at the more disgraceful episodes—race riots, bigotry, discrimination in education. Yet from the point of view of the social scientist, it is possible that more questions are raised than answered. For example, although the group analysis technique has many virtues, it is problematical whether sociologists would agree that the basic groups should be defined in terms of, say,

national ancestry. This system of measurement is clearly lacking in precision.

There are other objections. One of the author's theses, although a secondary one in this book, is that immigration continually changes the national characteristics of Americans. Although they would concede that some superficial aspects had been affected, it is doubtful that cultural anthropologists would agree with this general proposition. At least they would have to be shown by a much more rigorous system of demonstration. For at this point the author runs counter to the usual American doctrine, that is, that immigrant groups were largely absorbed into the prevailing American mould and were, at varying speeds (in most cases), acculturized. No doubt the process is in fact tremendously complex and the elements interact, but accurate measurement will probably require sophisticated, perhaps even quantitative, methods from the social sciences as opposed to reliance exclusively on mere common-sense observation.

Again, from the point of view of the sociology of institutions, it would appear that the basic rules of the game were established at a relatively early stage of American national existence. While the ethnic composition of the American people has, of course, changed, and could under different immigration laws change in the future, the basic institutional patterns—legal and political—have remained fairly constant.

In the field of party politics political scientists have traditionally utilized the approach of Professor Handlin, as is illustrated by their use of the expression "politics of the melting pot." But they would be unlikely to place as much emphasis as Professor Handlin does on ethnically based associations to the exclusion of economic, patriotic, professional, and religious groupings.

Finally, it should be added that much more needs to be known about social mobility, class stratification, the transmission of ideas from elite to elite, and the relationships between personality traits and cultural patterns before any definitive analysis of acculturation under the conditions characteristic of American society can be written in scientific terms.

These are, however, long-range goals for

social science investigation. Professor Handlin's objective was much more limited. He set out to show how certain important developments affected various significant elements of the American population, and how these elements reacted to new situations and new tensions. In vivid language and with striking illustrations, he has done this in outstanding fashion. For its own content as well as its implicit challenges to further research, this study merits the attention of political and other social scientists. MURRAY S. STEDMAN, JR., *Swarthmore College*.

Special Groups: Special Monograph No. 10.

By THE SELECTIVE SERVICE SYSTEM. (Washington: Government Printing Office. 1953. Vol. I, Text. Vol. 2, Appendices A-G. Pp. xv, 212; viii, 217.)

This publication should be read by all persons who feel that the actions of Presidents Roosevelt, Truman, and Eisenhower in the area of civil rights have been prompted by the desire to sway the Negro vote in the great "pivotal" states during presidential elections. The text in Volume I reveals with candor the terrible burdens placed upon an agency recruiting men for war who have had their morale destroyed by racial discrimination. This document describes with sympathy the inequalities suffered by America's racial minorities in civil rights, job opportunities, and in education and other publicly provided services. It details the special hardships of American citizens of Japanese ancestry during World War II. It demonstrates that, in spite of these facts, the Selective Service System was able to provide a more than proportionate share of manpower from the Negro segment of the population, and especially capable fighting men from Indian, Japanese, and Filipino Americans.

Much of the report reveals through the publication of the original documents, especially in Volume II, the conflict between the Selective Service System on the one hand and the Army and the Navy on the other with regard to the nondiscriminatory use of the nation's manpower. The Selective Service System, bound by an act of Congress forbidding discrimination in the draft, was put in the position of recruiting on a nondiscriminatory basis for the Army which segregated, and the Navy which limited Negroes, for most of the war, to the ranks of messmen and ammunition handlers. The revealed record of chicanery, subterfuge, and improvisation,

in which all of the agencies as well as the courts were involved, is enough to sicken those with the strongest stomachs. Now that all of the armed services, with the exception of the Navy in some respects, have abandoned segregation and discrimination with great success, it is clear that the events of the past were unnecessary.

Basically, the publication reveals that the United States is no longer in a position to waste manpower through social carelessness and the practices of racial discrimination. In 1940, the manpower pool in the age group from 21 to 35 was 16,565,137, of whom 1,765,917 were Negroes. Much of the effective potential of the group was lost because of poor education (a characteristic shared by Southern whites), the prevalence of social diseases, and bad morale resulting from racial discrimination. Disqualification for military service because of inadequate education has recently been reviewed by Eli Ginzberg in *The Uneducated*. Since the last conflict was a war to stop the spread of racism, it is probably true that the war which threatens would involve more acute questions of the morale of racial minorities. The Selective Service System's report reveals that once a conflict has begun, the risks of war make most agencies unwilling to assume the risks involved in changing racial patterns.

This small report makes clear again that equal duty and equal submission to the state require equal protection for the citizens by the state. *Special Groups* may well be read as a basis for understanding *To Secure These Rights*.—JOHN A. DAVIS, *City College*.

The American System of Government. By ERNEST S. GRIFFITH. (London: Methuen & Co. 1954. Pp. vii, 202. 7s. 6d.)

Mr. Griffith, at one time a Professor of Political Science but now best known for his very successful direction and development of the Legislative Reference Service of the Library of Congress, lectured at Oxford and other British universities in 1951-52, and discovered that there were in Britain widespread "misconceptions and stereotypes" in respect to American government; he therefore wrote this summary analysis particularly for British readers; it is published as one of the Home Study Books, that excellent series edited by the Provost of University College of the University of London, Mr. B. Ifor Evans. In its scope, subject-matter, and order of treatment, this book is quite similar to the conventional

textbook on American government, but it differs, first, in its brevity, and, secondly, in its emphasis on a central theme. Its brevity necessarily imposes some regrettable limitations—the judiciary, for example, is treated in less than six pages; the effectiveness of the veto (including the threat of veto) is only hinted at; the party system is inadequately analyzed, although its main features, including its federal nature and its looseness, are noted. The author does, however, deal with the major features of American government, he is completely accurate in his description, and his analysis is most lucidly presented. For example, he sums up the differences between our Congress and the British Parliament in a short paragraph, with this neat characterization of Congress in the concluding sentence: “with party and bureaucracy less influential, independence a major factor, specialization a far greater element, and pressures from special interests more obvious and exercised mostly at a different stage in the process.”

The central theme runs throughout the book, “that the American Government is largely a government of ‘built-in’ restraints,” that these restraints are reflected in institutional balances and equilibria (between law and individual freedom, between national action and state-local vitality, between economic groups and their integration, between partisanship and independence, between congress and the President), and that these in turn produce what Mr. Griffith calls “government by consensus.” This theme is not exactly new, but Mr. Griffith presses it hard and expertly, and out of it all he sums up the peculiar contribution of our constitutional system to representative government in this neat package: (1) orderly progress, without sharp class division; (2) the vitality of the lesser units of government; (3) adaptation to a multiplicity of issues, without surrender of integrity of intellect or conscience; (4) retention of the reality of elected representation in a technical and specialized age.

Although written for British readers, this book might profitably be used in American groups as well, and even in college and university courses on American government. It is packed with solid information, is systematically arranged, and has a distinguished literary style.—CLARENCE A. BERDAHL, *University of Illinois*.

The Collected Works of Abraham Lincoln.
EDITED BY ROY P. BASLER; MARION

DOLORES PRATT AND LLOYD A. DUNLAP, ASSISTANT EDITORS. (New Brunswick, N. J.: Rutgers University Press for the Abraham Lincoln Assn., Springfield, Ill. 1953. 8 vols. plus index vol. to follow. Pp. xxiii, 519; ix, 553; ix, 555; ix, 563; ix, 554; ix, 562; ix, 551; ix, 595. \$115.)

Publication of this exceedingly handsome set, the first comprehensive and critical edition of Lincoln's works, is a major event in Lincoln and Civil War scholarship, and has been received accordingly. Witness a review article of 7,200 words by Edmund Wilson in *The New Yorker*, March 14, 1953; one of 2,900 words in *The Times Literary Supplement*, April 24, 1953; one of 7,200 words by T. Harry Williams in the *Mississippi Valley Historical Review*, June, 1953; and one of 3,400 words by David Donald in *American Historical Review*, October, 1953. The *Collected Works* display the highest of standards in the gathering, authenticating, and transcribing of documents; the editorial notes, though relatively less good, often quote from letters to Lincoln or other pertinent papers. The discovery or release of Lincoln items is, as the editors point out, bound to continue—a new group appeared in the *Chicago Tribune* and the *New York Times* in February, 1954. It is probable, however, that they will prove to be, like most of the large number of hitherto unprinted items in the *Collected Works*, exciting chiefly to persons engaged in detailed studies of Lincoln, and that with occasional supplementation the present collection will deserve the word “definitive” for a long time to come.

The close physical resemblance of the *Collected Works* to the Princeton edition of the *Papers of Thomas Jefferson*, now in progress, immediately suggests a comparison of the two. Four differences are readily evident: (1) Jefferson was prodigal of writing in many forms, Lincoln rather sparing; (2) Jefferson took part in great affairs for nearly half a century, whereas Lincoln was a figure of national standing for less than ten years; (3) the *Papers* include letters to Jefferson, whereas the *Works* are restricted, except in the notes, to Lincoln's own writings; (4) the editorial paraphernalia in the *Papers* is far more learned and elaborate than that in the *Works*. The cumulative effect of these differences will be to make the Jefferson record, when completed, several times as massive as the Lincoln record and a far greater contribution of new matter to American history. Needless to say this fact

does not detract from the fundamental importance of *The Collected Works of Abraham Lincoln*.—BARNES F. LATHROP, *University of Texas*.

American Demagogues: Twentieth Century. BY REINHARD H. LUTHIN. (Boston: The Beacon Press. 1954. Pp. xv, 368. \$5.00.)

A competent capsule restatement of the careers of a variety of showy politicians joined together under the loose heading of "demagogues": Curley of Boston, Thompson of Chicago, and Hague of Jersey City; Alfalfa Bill Murray of Oklahoma, Marcantonio of New York, and McCarthy of Wisconsin; Huey Long, Gene Talmadge, Ma and Pa Ferguson, and Bilbo as spellbinders of the South. In spite of good intentions the author does not succeed in distinguishing with any precision demagoguery from other forms of political methods and leadership. Although little new of substance is offered, the inclusion of an unusually far-ranging and thorough annotated bibliography will be of value to students of American politics.

America's Resources of Specialized Talent: A Current Appraisal and a Look Ahead. THE REPORT OF THE COMMISSION ON HUMAN RESOURCES AND ADVANCE TRAINING. PREPARED BY DAEL WOLFFLE, DIRECTOR. (New York: Harper & Brothers. 1954. Pp. xviii, 332. \$4.00.)

A significant analysis, making extensive use of statistical data, of America's resources of trained personnel and of educational trends in the specialized fields of the natural sciences, psychology, the social sciences, the humanities and arts, applied biology, health, business and commerce, and teaching.

Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase. EDITED BY DAVID DONALD. (New York: Longmans, Green and Co. 1954. Pp. ix, 342. \$6.50.)

Voluminous extracts from these diaries of the Secretary of the Treasury and successor to Taney as Chief Justice have been in print since 1874, and the portion for July 21–October 12, 1862, amounting to about three-eighths of the whole, was published under scholarly auspices in 1903, but this deftly presented volume is the first complete and trustworthy edition. The diary is valuable especially for Chase's actions, observations, and opinions in relation to the conduct of the war,

the Treasury Department, slavery and the Negro, Radical Republican politics, and Abraham Lincoln.

Capitol, Courthouse and City Hall. BY DAYTON D. MCKEAN AND ROBERT L. MORLAN. (New York: Houghton Mifflin & Company. 1954. Pp. 346.)

Contains well-selected, interesting readings in state government and the various types of local government. Selections are up-to-date, thought-provoking, and nontechnical. Emphasis has been placed on controversial, contemporary issues at each level of government.

Anglo-American Law on the Frontier: Thomas Rodney and His Territorial Cases. BY WILLIAM BASKERVILLE HAMILTON. (Durham: Duke University Press. 1953. Pp. x, 498. \$12.50.)

The diary of Thomas Rodney, containing mainly four of his judicial notebooks of 1804–9 when he was territorial judge in Mississippi Territory. These are the earliest printed reports of Mississippi cases. In addition to editing the diary, Professor Hamilton has written chapters on the nature and place of the territorial courts, the establishment of law in the Mississippi Territory, and Rodney's career.

American Constitutional Law. BY NOEL P. DOWLING AND RICHARD A. EDWARDS. (Brooklyn: The Foundation Press. 1954. Pp. xxx, 899. \$7.50.)

Successor to Dowling's four-editioned *Cases on Constitutional Law*, this volume covers the usual subjects, with emphasis on what the law has become, and on the trends in current decisions.

Our Needy Aged: A California Study of a National Problem. BY FLOYD A. BOND, RAY E. BABER, JOHN A. VIEG, LOUIS B. PERRY, ALVIN H. SCAFF AND LUTHER J. LEE, JR. (New York: Henry Holt & Company. 1954. Pp. xxx, 401. \$4.50.)

Three pairs of economists, sociologists, and political scientists successfully conduct, in their own words, "an experiment in cooperative research" into the problems of old-age assistance in California. The result is a comprehensive analysis of value to students of social security which stresses history, law, finances, administrative structure, and the attitudes and activities of the aged.

Big Enterprise in a Competitive System. By A. D. H. KAPLAN. (Washington: The Brookings Institution. 1954. Pp. xii, 269. \$4.00.)

Described by the author as a "preliminary study" and as "essentially an essay at orientation," this volume re-explores the degree to which large-scale business in the nonregulated sector of the economy operates in harmony or in conflict with the objectives of competitive private enterprise.

American Farm Life. By LOWRY NELSON. (Cambridge, Mass.: Harvard University Press. 1954. Pp. viii, 192. \$3.75.)

This readable analysis of the several aspects of farm life includes chapters on farm organizations and the relation of farmers to the local and federal governments, reveals much about the "new" farmer, and concludes with comments on the "growing likeness of rural and urban peoples."

Presidential Politics in Louisiana, 1952. By VAUGHAN L. HOWARD AND DAVID R. DEENER. (New Orleans: Tulane University. 1954. Pp. 112. \$2.00.)

This study, which inaugurates the Tulane Studies in Political Science, is a modest expansion of the authors' contribution to the recently published five-volume *Presidential Nominating Politics in 1952*. Descriptive in method and style, the volume concludes with a brief analysis of the 1952 presidential election in Louisiana and with a pessimistic estimate of the chances for a two-party state in the foreseeable future.

The Life and Times of a Happy Liberal: A Biography of Morris Llewellyn Cooke. By KENNETH E. TROMBLEY. (New York:

Harper & Brothers. 1954. Pp. xvii, 270. \$4.00.)

A genial and highly-personalized story of the career of a citizen-public servant known for his activities in the fields of conservation of natural resources, rural electrification, and labor-management relations.

The Age of Suspicion. By JAMES A. WECHSLER. (New York: Random House. 1953. Pp. 333. \$3.75.)

The editor of the *New York Post* tells the story of his life to 1953 in three parts: "The Age of Rebellion," in which he became a member of the Young Communist League; "The Age of Responsibility," from his resignation from the party at 22 through his associations with the *Nation*, *PM*, and ultimately as the editor of the *New York Post*, during which period he fought communism; and "The Age of Suspicion," in which he came under investigation by Senator McCarthy.

Yankee Reformers in the Urban Age. By ARTHUR MANN. (Cambridge: The Belknap Press of the Harvard University Press. 1954. Pp. x, 314. \$5.00.)

A rich historical study of various Boston reform groups of the period 1880 to 1900. The author seeks in part to prove that modern liberalism has urban as well as rural roots.

My Hero: The Indiscreet Memoirs of an Eventful but Unheroic Life. By DONALD R. RICHBERG. (New York: G. P. Putnam's Sons. 1954. Pp. viii, 367. \$5.00.)

A personal commentary on twentieth-century American politics and politicians by a present-day conservative who labored mightily for liberal reform before and during the New Deal era.

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FRANKLIN L. BURDETTE

University of Maryland

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FOREIGN AND COMPARATIVE GOVERNMENT

The Foundations of Local Self-Government in India, Pakistan and Burma. By HUGH TINKER. (London: The University of London, The Athlone Press. 1954. Pp. xxiv, 376. \$7.00.)

The newly independent states of India, Pakistan, and Burma are experiencing serious difficulties in their attempts to breathe life into institutions of local government. They can derive many lessons—and warnings—from a study of the role of such institutions during the British period. Material on this subject is voluminous indeed, but few comprehensive accounts of an objective nature are available. Dr. Tinker's monograph is perhaps the best single volume on this important if "somewhat humdrum subject." The author had had practical experience in local government service in both India and Great Britain, and he has examined the pertinent documents with meticulous care. The result is a volume which will be a useful reference work for all students of governmental institutions and practices in South Asia and of local government generally.

An Indian political scientist might conclude that the British scholar has placed an undue share of the blame for the many shortcomings of local government in India on Indian "apathy" and resistance to change. He might feel that Dr. Tinker has demonstrated bias in ascribing the failings of local authorities under Dyarchy in large measure to the activities and attitudes of Nationalist politicians, and he might resent Dr. Tinker's assertion that by their attitude toward institutions of local government these politicians "opened up floodgates which they were unable to close at will." But there is certainly some basis for these views, and Dr. Tinker leans over backwards in stressing sins of omission and of commission of the British, whether in London or in India, in attempting what Lord Hailey in a Foreword to this volume calls "in effect the deliberate

introduction to India of an institution of a purely western type." Dr. Tinker points to the clear lesson "that attempts to endow other nations with an English system of representative government run the risk of passing on all the failings and temptations of democracy, while there is no guarantee that other nations will evolve the same safeguards which have emerged from the English social system." The wisdom of this conclusion has nowhere been more amply demonstrated than in the great political laboratory that is India.

In his detailed study of the system of local government during the years of official tutelage and during the Dyarchy period Dr. Tinker finds far more shortcomings than achievements. In his concluding chapter he observes that "perhaps more weight should have been given to its successes." But the record which he presents speaks for itself; to quote the prize understatement of the book, it "is not a record of bold development or striking achievement." Almost every page of the volume contains evidence of the pervasive and baleful effects of two great barriers to progress in local government, namely "the constant pressure of inadequate funds, and the constant lack of harmony between social prejudice and custom, and alien administrative and technical methods." Here we find the central theme of the study, which gives meaning and significance to a formidable marshalling of evidence which would otherwise seem pedantic and unrewarding. Here also we find a reminder of the value of such a study for independent India, Pakistan, and Burma.

This book stemmed from a doctoral dissertation, and it still bears the stamp of its original purpose. It was selected as the first volume in a new series of University of London Historical Studies. Judging from the initial selection, this new series will be a distinguished one; but unless future volumes are less detailed and are made available at a more reasonable price,

they will have a very limited circulation indeed.—NORMAN D. PALMER, *University of Pennsylvania*.

Politics in Post-War France: Parties and the Constitution in the Fourth Republic. By PHILIP WILLIAMS. (London, New York and Toronto: Longmans, Green and Company. 1954. Pp. xiv, 500. \$7.00.)

The flow of British books on the Fourth Republic threatens at times to become a flood. Fortunately for the harassed specialist, most of these books have been of high quality and have contributed fresh information or viewpoints. Mr. Williams's study is no exception: it ranks as one of the very best. No student of France, no teacher of European government can afford to ignore it.

The subject of the book is the French parliamentary system as it operated from 1947 through 1953. Approaching his material topically rather than chronologically, the author crisscrosses those crowded years with painstaking accuracy and with sharp insight. His first task is to analyze the machinery, composition, and changing fortunes of each of the parties. Next he examines the constitutional structure and traces the evolution of the various organs of government. Finally he turns to that broader complex which he labels "the political system," and seeks to explain the spirit and the dynamics of contemporary French politics.

Each of these three major sections is a valuable contribution. The analysis of parties is the most detailed and up-to-date survey available in English. The section on parliamentary mechanics is lucid and thorough. And the synthesizing chapters on the nature of French politics contain some remarkably perceptive comments, as well as some fresh information (e.g., on the role of pressure groups). Throughout the book the author's own interpretations are skillfully interwoven with the views of the ablest French and Anglo-Saxon scholars in the field: Goguel, Fauvet, Duverger, Liddellale, et al.

"It is the fundamental argument of this work," remarks the author, "that the difficulties of French government are due to historical and social, rather than to constitutional or temperamental factors." Many Frenchmen, and perhaps even more non-Frenchmen, will balk at Mr. Williams's basic premise. This reviewer (perhaps revealing the historian's professional bias) accepts it as sound, and believes that the author argues his case effectively. Like François Goguel, Mr. Williams

traces the problem to a socio-economic rather than an institutional root: to the political dominance of "static" over "dynamic" France. While he makes no attempt to gloss over the structural weaknesses in the French governmental system, he does offer a well-reasoned answer to its more rabid critics.

Some readers will doubtless regret Mr. Williams' decision to omit any extended discussion of such important subjects as administration and justice, the press and the army, labor and the Church, and France overseas. Such breadth, however, could have been gained only at the expense of depth in the areas which the author has chosen to examine. A scholar who delimits his subject and stays within those limits would seem to deserve more praise than blame. Praise is due, too, for the book's vigorous, readable style, without which so painstaking an analysis could have become irretrievably dull. Even the elaborate and useful index is enlivened by occasional flashes of wit.—GORDON WRIGHT, *University of Oregon*.

The Political Control of Czechoslovakia. By I. GADOUREK. (Leiden: H. E. Stenfert Kroese. 1953. Pp. xiv, 285.)

A recent witticism from behind the Iron Curtain defines totalitarian communism as a system where "what is not prohibited is mandatory." Mr. Gadourek's study of the all-pervading pattern of controls with which the communist rulers enmesh virtually all spheres of Czechoslovakian life, bears out how much the witticism corresponds to reality.

Drawing both upon communist sources, such as newspapers, books, collections of laws, and transcripts of Czechoslovakian radio broadcasts, and upon information supplied by anti-communist resistance groups and refugees, the author analyzes the organizational and operational pattern of communist controls and assesses their impact upon the society and upon the individual.

He divides the study into two uneven parts. The first part, which covers two-thirds of the volume and is entitled "Description," consists actually of a general survey of the political, economic, and social system of Czechoslovakia as it developed during the first four years of communist rule. It deals with such matters as the structure and organization of the Communist party, the organs of government, sundry aspects of the economy, education, religion, science and arts, recreation, and "morals." While the first part of the book purports to "describe the sociological events

in their contexture," the second part, styled "Conceptualization," is designed to "cope with our subject in a more systematic way while applying to the empirical data our theoretical concepts."

The author's main conclusions may be summarized roughly as follows: The ultimate agency of political control over Czechoslovakia is actually the leadership of the Communist party of the USSR, acting mainly through the Political Bureau of the Central Committee of the Communist party of Czechoslovakia. The latter in its turn operates through a cluster of other groupings and uses a whole series of methods and devices ranging from physical coercion through economic intimidation to incessant indoctrination and clever exploitation of symbols. The result in due time will be a "retardation of the process of culture formation" which will lead to "arrested culture-growth" in Czechoslovakia. On the other hand, "in spite of the universalistic and monopolistic character of the communist control-pattern," there still exists some "space outside the primary control," mainly in the family and various "informal" groups.

Mr. Gadourek's work is a sociological study and its merits or demerits as such must be appraised by sociologists. However, the fact that its subject-matter is of serious concern to students of government—indeed more of its pages are devoted to an exposition of the Czechoslovakian political and economic system than to sociological analysis—warrants evaluation by a political scientist. Unfortunately, such an evaluation reveals a number of weak spots. In the "descriptive" part of the book the author deals with many things which have little or no bearing upon his main topic, i.e., the study of political controls. He often resorts to lengthy quotations which are interesting *per se*, but mar the smooth flow of the narrative, and sometimes lack pertinence. The same is true of the author's excessive use of illustrative details, which ought to be used as sparingly as salt or spices. Several of his diagrams contribute little toward the reader's better understanding of what the author intends to prove. Some of his self-addressed questions, such as whether the communist controls are "consciously planned" or rather of "unconscious nature" (p. 182), and whether they are "more or less centralized" or rather of "a decentralized, diffused character" (p. 183), are somewhat superfluous, to say the least.

In spite of its shortcomings, Mr. Gadourek's study brings together much useful material

on communist controls in Czechoslovakia and the book will certainly be of interest to students of present-day politics in the "Middle Zone" of Europe.—EDUARD TABORSKY, *The University of Texas*.

Allgemeines Verwaltungsrecht. By WALTER ANTONIOLLI. (Wien: Manzsche Verlags- und Universitätsbuchhandlung. 1954. Pp. xx, 325. \$5.30.)

Publications of the staff members of the universities of Central Europe, once notable on the basis of quantity and frequently quality, have been few and far between during the last generation. The appearance of a volume such as this from the pen of a professor at the University of Innsbruck who is also a member of the Austrian Constitutional Court indicates the progress which some of the universities at least have made toward recovering something of the stability of an earlier period. Naturally the first postwar publications tend to be aimed at meeting the practical need for up-to-date textbooks, handbooks, and the like and the book under review falls into that category. Professor Antonioli, like his American colleagues, has doubtless found it difficult to train young lawyers and civil servants without well-organized and up-to-date printed material and he has sought to remedy the situation by preparing a general statement of Austrian administrative law.

While it is not always easy for an American academician to see clearly the detailed operation of university instruction in Central Europe, it would seem that Professor Antonioli has been successful in his undertaking. His book is well-organized and comprehensive; the material is clearly presented; there are adequate footnotes; and numerous bibliographical references are made to other works both prewar and of recent date. Emphasis is placed on the practical aspects of administrative law rather than on theory and the author indicates indebtedness to various public officials. At the same time he has not ignored the standard works in the field produced by such authorities as Adamovich, Forsthoof, W. Jellinek, and Merkl.

As may be expected, the general plan of the book follows legal patterns somewhat more closely than political science interests as they are conceived in the United States. Nevertheless, political scientists will find much to interest them and this book should be a useful guide to current administrative law in Austria.—HAROLD ZINK, *Ohio State University*.

De Ontwikkeling van het minister-presidentschap in Nederland, België, Frankrijk, Engeland en enige ander landen. BY E. VAN RAALTE. (Leiden: Universitaire Pers Leiden. 1954. Pp. 226. Fl. 9.80.)

The author describes the development since 1917 of the position of the "minister-president" in the parliamentary system in the Netherlands from that of a *primus inter pares*, periodically elected by his peers to preside over their meetings, to that of a leader of government, appointed by the Crown in accordance with the party make-up of parliament, for the duration of his tenure of office. A survey of parallel developments in Belgium, France, and England during the same period and brief descriptions of the present position of the comparable heads of government in Western Germany, Soviet Russia, and Ireland provide interesting material for comparison.

Although the author explicitly points out differences between practice and law, his emphasis is clearly on the legal aspects of his subject.

There are summaries in English and French and an index.—J. F. G. VAN LOON, *Harvard University*.

Canadian Municipal Government. BY KENNETH GRANT CRAWFORD. (Toronto: University of Toronto Press. 1954. Pp. xiv, 407. \$7.50.)

The first systematic study of this subject. The author brings to his task a long experience as both teacher and practitioner of municipal government. He pays little attention to the counties and special districts but provincial-municipal relations are amply treated, and the examination of the various forms of government and administration in the cities of Canada will satisfy a long-felt need.

Public Administration in India: Report of a Survey. BY PAUL H. APPLEBY. (New Delhi: Cabinet Secretariat, Government of India, Manager of Publications. 1953. Pp. ii, 66.)

This appraisal of the theory and practice of public administration in India by a leading American student of public administration includes a critical analysis of federal administrative problems relating to economic development and social welfare. The commentary gives attention to traditional patterns of administration in India and outlines some suggestions for improvement. The author's recommendation that a research Institute of Public Administration be founded has since been accepted.

Democratic Government in India. BY N. SRINIVASAN. (Calcutta: The World Press, Ltd. 1954. Pp. 404. Rs. 10/-.)

The second volume of a study of British rule in India by a distinguished British civil servant who served in India from 1928 to 1947. Covering the period from 1858 to 1947, this book is an illuminating and scholarly account of the many civil wars from which both Britain and India emerged with greater respect for each other.

The Men Who Ruled India: The Guardians. BY PHILIP WOODRUFF. (New York: St. Martin's Press. 1954. Pp. 385. \$5.00.)

A comprehensive textbook on the government of India giving considerable attention to the political heritage of Hindu and Muslim India and to British control of India. The excellent analysis of the Constitution of India is accompanied by comparisons with the constitutions of other nations.

The Prime Minister. BY V. VENKATA RAO. (Bombay: Vora & Co., Ltd. 1954. Pp. 82. Rs. 3/12.)

A brief and formal compilation of data on the prime minister—the office, powers, dismissal, etc.—selected chiefly from British experience, and secondarily from the experience of the other members of the Commonwealth and France.

Le Parti Socialiste Suédois: Son Organisation. BY RAYMOND FUSILIER. (Les Éditions Ouvrières. 1954. Pp. iii, 372. 900 fr.)

This volume, with a preface by Guy Mollet, the Vice-President of the Socialist International and President of the Consultative Assembly of the Council of Europe, is a carefully prepared description and analysis of the organization of the Swedish Socialist party. Its relationships with the trade unions, the age and sex composition of its adherents, the geographical distribution of its voters, and the background of its leaders are given special attention. The political successes of this Socialist party in Sweden, especially during the past twenty years, may be explained in part by its composition and organizational features, which are described in considerable detail by the author.

The Death of the Fourth Republic. BY RONALD MATTHEWS. (New York: Frederick A. Praeger. 1954. Pp. 318. \$5.00.)

The Paris correspondent during 1944–53, first of the *London Daily Herald* and later of

The Birmingham Post, provides a journalistic account of the events which resulted in the "betrayal" of the Liberation and the "murder" of the Fourth Republic. There was no single murderer, said he, "merely a set of muddling midwives. Their blameless intentions and their clumsy hands have brought France to the pass where a patriot as pure as Pierre Mendès-France can ask whether democracy can really be made to work there."

De Karl Marx à Léon Blum: La Crise de la Social-Démocratie. BY MILORAD M. DRACHKOVITCH. (Geneva: Librairie E. Droz. 1954. Pp. 180.)

This study, as Volume VII in the "Studies in Economic, Political, and Social History," which are published under the editorship of Jacques Freymond and Jacques L'Huillier, is a critique of the modern socialist movement. Its subtitle, "La Crise de la Social-Démocratie," suggests the nature of the conclusions by the author after tracing the ideological developments and conflicts from the heritage of Marx and Engels in the nineteenth century to the recent period. This work, which was prepared at the College of Europe in Bruges, Belgium, has a preface written by the Rector of the College, M. Hendrik Brugmans.

The French Revolution, 1788-1792. BY GAETANO SALVEMINI. (New York: Henry Holt & Company. 1954. Pp. 343. \$5.00.)

First published in Italy in 1905, this book has gone through a number of editions. This, the first English edition, is a translation by I. M. Rawson of a specially prepared text which was based on the Italian edition of 1949, a text which contained some new material and emendations.

The Formation of the Soviet Union: Communism and Nationalism, 1917-1923. BY RICHARD PRES. (Cambridge: Harvard University Press. 1954. Pp. xii, 355. \$6.50.)

This volume, No. 13 of the Harvard Russian Research Center Studies, is a scholarly history of the developments of the period 1917-1923 which saw the disintegration of the Russian Empire and the rise of the U.S.S.R. The emphasis is placed upon the political aspects of the national movements in the borderland areas. No attention is given to national groups, such as the Finns and the Poles, who were separated from Russia during the period of the Revolution. The story of this period involves the relationships of the Bolsheviks, who were prepared for revolution

and were organized to exercise power when secured, and the internally divided and ideologically split nationalist movements. The ineptness of the White generals contributed to the vigorous efforts of the Bolsheviks to win the nationalist sympathies during the conflict between the Bolsheviks and the nationalists in the border areas after the October Revolution. In the end the Bolsheviks were successful even though "their entire approach to the national idea . . . made the Bolsheviks perhaps the least qualified of all the Russian parties (save for those of the extreme right) to solve the national problem." As it finally appeared in 1923, "The Soviet Union . . . was a compromise between doctrine and reality: an attempt to reconcile the Bolshevik strivings for absolute unity and centralization of all power in the hands of the party, with the recognition of the empirical fact that nationalism did survive the collapse of the old order. It was viewed as a temporary solution only, as a transitional stage to the completely centralized and supra-national world-wide soviet state."—R.T.C.

W. Imieniu Rzeczypospolitej. BY STEFAN KORBOŃSKI. (Paryż: Instytut Literacki 1954. Pp. 491.)

Mr. Krobowski, an eminent personality of the Polish Underground Movement in the period of 1940-44 (presently residing in the United States) describes with the insight of a first-hand observer the functioning of the underground apparatus of justice, and the mechanics of liaison work on the top and grass-root levels. The period under consideration is 1940-1945, but the reader is led through the subsequent political developments in Poland to 1947.

The writer's sensitivity in pointing to incentives and motivations behind human actions in such a peculiar set of conditions as the underground movement produces enhances the value of his description.

Malaya: Communist or Free? BY VICTOR PURCELL. (Stanford: Stanford University Press. 1954. Pp. 288. \$3.00.)

An authoritative well-written volume by the leading British authority on Malaya. After a careful review of the history of Malaya, Dr. Purcell analyzes British rule there and shows the seriousness of the Communist menace. The most certain way of preventing Communist domination of Malaya, he asserts is to grant that country its independence.

ving Hsien: A North China Rural Community. BY SIDNEY D. GAMBLE. (New York: Institute of Pacific Relations. 1954. Pp. xxv, 472. \$6.50.)

An English summary (with some new statistical material) of the three-volume Chinese study which was directed by Sidney D. Gamble, a social scientist long familiar with China. Between 1926 and 1933 a survey was made, in cooperation with the Mass Educational Movement, of the government, education, agriculture, religion, family life, recreation, and other phases of this North China 'county.' The book is entirely descriptive and contains a wealth of data about an area now changed by the Japanese invasion, civil war, and a revolutionary Communist government.

China's March toward the Tropics: A Discussion of the Southward Penetration of China's Culture, Peoples, and Political Control in Relation to the Non-Han-Chinese Peoples of South China and in the Perspective of Historical and Cultural Geography. BY HEROLD J. WIENS. (Hamden, Conn.: The Shoe String Press. 1954. Pp. xv, 441. \$7.50.)

A study of the migration of the Han Chinese to the southern areas of China, including geographical and historical patterns.

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Theodor Heuss: Die Literarische Gestalt. BY MARGARET BOVERI. *Bibliographie der Schrif-*

ten und Reden von Theodor Heuss und Elly Heuss-Knapp. BY WALTER PRINZING. (Stuttgart: Friedrich Vorwerk Verlag. 1954. Pp. 302.)

Two detailed and friendly biographies dealing with the career and writings of the recently re-elected President of the German Federal Republic. They offer ample evidence of the profound democratic and liberal views held by Dr. Heuss through the course of his meteoric rise from editor-in-chief and University teacher to President. His forced retirement from public life during the Nazi era gave him a chance to write several biographies. A comprehensive bibliography of his and his late wife's writings and speeches is included in the Boveri study.

The Governments of Europe. BY WILLIAM BENNETT MUNRO AND MORLEY AYEARTS. (New York: The Macmillan Company. 1954. Pp. ix, 796. \$6.50.)

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Catholic University of America

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INTERNATIONAL LAW AND RELATIONS

Prelude to Point Four: American Technical Missions Overseas, 1838-1938. By MERLE CURTI AND KENDALL BIRR. (Madison: The University of Wisconsin Press. 1954. Pp. xi, 284. \$5.00.)

The problem of the impact of American aid on foreign cultures since World War II has been of particular interest to sociologists and economists. Little attention has been given to the history of earlier American efforts even by such significant works as Eugene Staley's *The Future of Underdeveloped Countries* and the University of Chicago symposium, *The Progress of Underdeveloped Areas*, edited by Bert F. Hoselitz. The present study fills this gap in our knowledge of technical assistance.

The object of the study is to test the assumptions which underlay President Truman's message on Point Four, namely that technical assistance would help defeat poverty abroad, that it would win allies for the United States in the cold war, and that international amity would be promoted. To carry out this objective the authors made a careful survey of each American official technical mission from 1838 to 1938, the last year for which they could gain access to official materials. They give particular attention to the origin and objectives of the mission, the means pursued, and the people used to carry out the objectives. In a final chapter there is a cautious yet courageous extraction of the lessons to be learned, for as the authors state, they do not want it said that "history teaches nothing save that history teaches nothing."

Their conclusions, while not unexpected, merit careful attention. They find that missions which were motivated purely by scientific curiosity were more successful than those designed primarily to serve the political interests of the United States. Missions invited by foreign governments seemed to have better chances for success than those initiated by the United States. Curti and Birr dissent from the suggestion made by H. B. Allen in his *Rural Reconstruction in Action* that comprehensive programs are more likely to succeed than piecemeal ones. This is sometimes true, they assert, but much depends on other factors. No clearcut conclusion can be drawn that previous missions actually ameliorated poverty, though it is clear that certain groups were benefited by educational and governmental

reforms. As for enhancing the American reputation abroad, the authors conclude that "technical aid abroad is no sure method of improving international relations. Such missions almost inevitably generate opposition, and opposition breeds discontent and conflict."

Yet any effort to relate these conclusions to our present Point Four efforts is fraught with difficulties. The scale of our present effort is far greater than any surveyed by Curti and Birr. Moreover, the context of a polarized world is a factor absent from the earlier efforts. Both of these are variables which make analogies impossible. The lessons that can perhaps be applied with greater certainty are these: that missions should be very carefully planned, and that they should consider with sympathy and understanding the culture pattern in which they are to work. These are old truths but it is good to have their validity sustained by our historical experience.—RALPH BRAIBANTI, *Duke University*.

Shirt-Sleeve Diplomacy: Point 4 in Action. By JONATHAN B. BINGHAM. (New York: The John Day Company. 1954. Pp. xiv, 303. \$4.00.)

One can only endorse the publisher's claim that this is "a forthright, honest, and constructive book that no one concerned with the world's welfare, and our own, can afford to overlook."

Mr. Bingham was Deputy (and, for a time, Acting) Administrator of the Technical Cooperation Administration during the last year and a half of the Truman Administration. Dealing mainly with the Point Four program of this period, he thus writes on the basis of intimate knowledge. There are chapters on the background of experience gained in Point Four type programs in Latin America during and after the war; on typical problems of a "shirt-sleeve diplomat" in a mythical Middle Eastern country; on efforts in underdeveloped areas to increase agricultural production, improve public health, and extend education; on developing community organizations and strengthening democracy; and on a series of problems and illusions which Americans confront in their own thoughts and actions relating to Point Four. There is scarcely any autobiography as such; the focus is on Point Four and not on Mr. Bingham. The book is written in a delightful style, with flashes of precious humor here and there.

Several points may be of special interest to political scientists. The technical assistance program includes assistance in the field of public administration, Mr. Bingham declaring that in both the Philippines and Formosa "more United States experts will be at work in 1954 in public administration than in any other field." He feels that the United States should favor an extension of the technical aid activities of the United Nations, provided that the American contribution be limited to 50 per cent or 60 per cent of the total, but opposes channeling the whole program through the UN. He refuses to take the "big-money boys" seriously, deriving some amusement from "the liberal's touching faith in the dollar." "Perhaps the most generally overlooked fact about the capital shortage of the underdeveloped areas is that generally speaking it is not so much dollars that are needed as, say, rupees, or rials, or cruzeiros." Nevertheless, he fears that the real danger is that the United States will spend too little rather than too much on technical aid.

Mr. Bingham inspires cautious confidence that a Point Four type program can achieve significant results, serving mutual interests of the United States and the countries aided, at far less than a prohibitive cost.

Though brief, the book is excellent, with much to offer both to the expert and to the lay reader.—VERNON VAN DYKE, *The State University of Iowa*.

American Foreign Policy: Formulation, Principles, and Programs. BY RICHARD C. SNYDER AND EDGAR S. FURNESS, JR. (New York: Rinehart & Company, Inc. 1954. Pp. xviii, 846. \$7.00.)

A remarkably all-inclusive and well-written new text: U. S. prewar policy since 1898 is summarized in 50 pages; the concluding 250 pages treat postwar policy from both problem and area standpoints, and the lengthy middle section attempts to analyze and explain the incredibly complex nature of the structure and process of U. S. foreign policy making.

Contemporary International Relations. Third Series. EDITED BY NORMAN J. PADEFORD AND SARA L. KRINER. (Cambridge: Harvard University Press. 1954. Pp. xi, 388. \$3.00.)

A paper-bound collection of collateral readings, most of them written since 1952, arranged to illuminate the various aspects of the study of international politics: geography, population, economics, nationalism, policy formula-

tion, search for security, international organization, etc.

The Japanese and Sun Yat-sen. BY MARIUS B. JANSEN. (Cambridge: Harvard University Press. 1954. Pp. viii, 274. \$4.00.)

A valuable analysis of the relations between Sun Yat-sen and his Japanese supporters between 1895 and 1915. In describing these relations the author also analyzes the elements in modern Japanese society which have stimulated a concern for revolutionary movements in foreign countries. Some of the source material used was secret correspondence between the Japanese Foreign Ministry and Dr. Sun.

India and the United States of America: A Study of International Relations. BY NARESH CHANDRA ROY. (Calcutta: A. Mukherjee & Co., Ltd. 1954. Pp. 91. Rs. 3.)

Three short essays, tracing the development of Indian-United States relations and explaining the broad outlines of policy and motives of the two nations.

The Indian Year Book of International Affairs: 1953. (Madras: University of Madras, The Indian Study Group of International Affairs. 1953. Pp. x, 509. Rs. 10.)

The second annual volume in this series ranges widely, within the limits set by the three divisions: Economics, International Relations, and Legal Problems. The majority of essays concern Indian conditions, problems, policies and legal developments, but there are pieces on Siam and Burma, and some studies concerning Asian and general world issues.

Documents on International Affairs, 1939-1946. Vol. II. Hitler's Europe. SELECTED AND EDITED BY MARGARET CARLYLE. (New York: Oxford University Press. 1954. Pp. xx, 362. \$6.10.)

A useful collection, arranged to parallel the *Survey* volume in the Royal Institute's series. The emphasis is on German materials relating to the occupied countries and to political developments within those areas.

Modern American Diplomacy. BY EDWARD O. GUERRANT. (Albuquerque: The University of New Mexico Press. 1954. Pp. xiv, 318. \$6.00.)

A survey of American foreign relations from the turn of the century to the inauguration of Eisenhower, accomplished by linking significant documents with brief background mate-

rial and commentary. A selective bibliography is included.

The Principles of World Citizenship. By L. JONATHAN COHEN. Oxford: Basil Blackwell. 1954. Pp. viii, 103. 10s. 6d.)

This is a closely-reasoned, stimulating philosophical essay on the meaning of world citizenship.

The United States in a Changing World: An Historical Analysis of American Foreign Policy. By JAMES P. WARBURG. (New York: G. P. Putnam's Sons. 1954. Pp. xv, 496. \$5.75.)

A semi-popular study which attempts to show that many of the problems in American

foreign policy result from a shift of power to the legislative branch, as well as from a lower quality of information on foreign countries and lessened public interest in foreign affairs. The historical analysis undergirding these conclusions, however, seems somewhat strained.

Oil Diplomacy: Powderkeg in Iran. By NASROLLAH SAIFPOUR FATEMI. (New York: Whittier Books, Inc. 1954. Pp. xxix, 405. \$4.50.)

An Iranian statesman and scholar traces the intricate relations between his nation and Western countries. This is a rather impassioned plea for settlement of the oil problem so that Iranian wealth may be more equitably distributed and a democratic government may be attained.

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POLITICAL THEORY, RESEARCH, AND METHODOLOGY

Studies in the Scope and Method of "The Authoritarian Personality": Continuities in Social Research. EDITED BY RICHARD CHRISTIE AND MARIE JAHODA. (Glencoe, Illinois: The Free Press. 1954. Pp. 279. \$4.50.)

This volume is a critical analysis of *The Authoritarian Personality*¹ and the substantive and methodological problems raised by this pioneering work. Initially conceived as a study of prejudice, *The Authoritarian Personality* emerged as a broad exploration of the relationships among personality, social discrimination, and political ideology. The authors of that volume presented a wealth of empirical data to support the hypothesis that a relatively consistent syndrome of attitudes is present in the personality structure of power-centered individuals. As Marie Jahoda points out in her introduction to the volume under review, this required the methods of clinical psychology applied to the whole person in the psychodynamic sense rather than the measurement of a single attitude in the cluster of socio-political responses of a given individual. Five chapters in this present volume explore the ramifications of this complex technique in social science research.

Of particular interest to political scientists is Edward A. Shils' chapter, "Authoritarianism: Right and Left," in which he takes issue with the sharp dichotomy between personality structures of the extreme "right" and the extreme "left" assumed by the authors of *The Authoritarian Personality*. His criticism concludes that "the questionnaires were designed to disclose not the authoritarian personality as such but rather the 'Right'—the nativist-fundamentalist Authoritarian. This . . . rested on the proposition that political opinions are distributed on a unilinear scale and that the Left being at the other end of the scale from the Right was of necessity its opposite in every respect. . . . The investigators have failed to observe that at the Left pole of their continuum, there is to be found an authoritarianism impressively like the Authoritarianism of the Right" (p. 38).

In a seventy-two page "Methodological Critique," Herbert H. Hyman and Paul B. Sheatsley present a review of the major research steps involved in *The Authoritarian Personality*, which could well be required read-

ing on research projects of this type. They are critical on various counts. They believe that many of the procedures used were not the most efficient; that the "findings rest on an admittedly unrepresentative sample, from which large generalizations are incautiously drawn" (p. 118); that in the measuring instruments no provision was made for the expression of a qualified or ambivalent opinion; that in analyzing the data no control was exercised over the variable factor of formal education. They conclude that the data do not support the authors' hypotheses because "the mistakes and limitations uniformly operate in favor of the authors' assumptions and cumulatively they build up a confirmation of the theory which, upon examination, proves to be spurious" (p. 121).

Richard Christie's chapter on "Authoritarianism Re-examined" reviews various studies since *The Authoritarian Personality* which have advanced or modified the original conclusions. Among other things, recent findings suggest that *The Authoritarian Personality* over-emphasized personality structure as a determinant of potential fascism and ethnocentrism and discounted too much factors in the contemporary social structure.

With special reference to the scientific study of politics, Harold Lasswell presents a series of subjects and hypotheses for further research in a chapter entitled "The Selective Effect of Personality on Political Participation." Are there discernible correlations in the personality structures of politicians? Do factors in the authoritarian personality exercise an important selective effect on the choice of political roles among the active elite of government and parties? He offers a schema for further research in the development of political personality along with a series of hypotheses which suggest that the authoritarian or power-oriented personality is less prevalent in the higher echelons of political life than might be supposed.

A final chapter by Else Frenkel-Brunswick (herself a contributor to *The Authoritarian Personality*) discusses some current studies on social discrimination in children and adolescents, and also the views of the Nazi psychologist Jaensch. In both instances she finds evidence confirming the syndrome of attitudes described in *The Authoritarian Personality*.

An impressive amount of critical evaluation has been contributed by the authors, and this

¹ T. W. Adorno, et al., *The Authoritarian Personality* (Harper & Bros., N. Y., 1950).

should be of substantial value to further research in the dynamic area of political behavior.—LANDON G. ROCKWELL, *Hamilton College*.

The University Teaching of Social Sciences: Political Science. BY WILLIAM A. ROBSON. (Paris: UNESCO. 1954. Pp. 249. \$1.50.)

This report might well have as subtitle "A Plea for the Defense," for it is written on the apparent assumption that Political Science as a discipline is on the defensive. It is assailed on all sides, from the lawyers on the right to the sociologists on the left, the one saying that Political Science is but a pseudonym for Public Law and the other that everything dynamic in the discipline is Sociology under another name. Moreover, Political Science suffers not only from external assault but also from subversion and separatism within. Public Administration has long since declared its independence, Public Finance has denounced its ancient allegiance to Political Science in order to "join up" with Economics, International Relations is held in most uncertain bonds, and Politics, both Pressure and Party, Public Opinion, and Public Policy are forming offensive and defensive alliances with Sociology against Political Science.

Professor Robson's review of this sorry state of things is the outgrowth of a study concerning the teaching of Political Science in eight countries, sponsored by UNESCO and undertaken by the International Political Science Association in 1951. The Robson volume is in part based on reports by a distinguished panel of political scientists, including Marshall Dimock, U.S.A.; M. J. M. Mackenzie and A. H. Hanson, Great Britain; J. Chapsal, France; E. Hastad, Sweden; S. V. Kogekar, India; L. Mendieta y Nunez, Mexico; S. Ehrlich, Poland; and A. El Emary, Egypt. The project included a round-table conference of some 15 political scientists from eight countries at Peterhouse, Cambridge University, in April, 1952. Professor Robson is to be congratulated on the skill with which he has summarized these Peterhouse discussions and developed the uneven manuscripts of numerous rapporteurs into an integrated and highly readable volume.

In somewhat less than 120 pages he has managed to deal significantly with the Scope, Content and Nature of Political Science, a Brief Conspectus of Political Science Teaching in Eight Countries, the Aims of Political Sci-

ence Teaching, the Relation of Political Science to Other Disciplines, and to Public Administration and International Relations, the Status of Political Science in the University, Methods of Teaching Political Science, the Training and Recruitment of Political Science Teachers, the Coordination of Teaching and Research, and the Problems and Needs of Political Science. The volume moreover carries an Appendix of 125 pages giving detailed information on most of these problems in each of the participating countries.

Although one may lament the defensive tone of Robson's discussion, it is comforting to find him in nearly every case on the side of the angels. Specifically, he enters a strong and spirited defense for the integrity and independence of Political Science in its Aristotelian dimensions, although he recognizes its interdependence with other disciplines. He vigorously exposes the claims of Public Administration and International Relations as scientific disciplines apart from the main body of Political Science. He argues again repeatedly for an integral relation between teaching and research, and emphasizes the importance of reading, writing, and participation in effective teaching. "One recalls," writes Professor Robson "the wise words of Francis Bacon (1561-1626): 'Reading maketh a full man; conference a ready man; and writing an exact man'." Political Science teachers everywhere might well take counsel of Bacon's wisdom, as I am sure they will find both knowledge and wisdom in this slender but significant volume.—PETER H. ODEGARD, *University of California (Berkeley)*.

Research for Peace: Essays. BY QUINCY WRIGHT, W. FRED COTTRELL AND CH. BOASSON. (Amsterdam: North Holland Publishing Co. 1954. Pp. xii, 296. \$3.50.)

This book consists of the three prize-winning papers in a contest sponsored by the Institute for Social Research of Oslo for the best essays on *The Relevance of Research to the Problems of Peace*, together with a review of the contest contributions by Dr. Ingemund Gullvåg of the Institute. The three essays (and it may be inferred from the review that they are typical of the other papers submitted in this respect) reflect the great change that has taken place in approaches to research on "problems of peace" in recent years. During the interwar period research on this subject was largely based on the assumptions of the existence of sovereign national groups organized under

national governments, and the development of cooperative relations in response to the demands of their common national interests. Today, social scientists, as represented by the authors of these essays, see the need to examine more carefully these assumptions and to explore more fully the behavior of individuals and social groups and the ways of influencing this behavior. They find the newer social sciences of value for this purpose. Thus Professor Wright, insistent that the basic need is the development of a science of international relations, believes that "researches in the behavioral sciences which are least dependent upon historically limited assumptions, especially social psychology, cultural anthropology, and sociology should be given priority" (p. 29).

But while social scientists, as represented by the authors of these essays and the participants in this contest, see the need for broadening the scope and methods of research on problems of peaceful adjustment to include topics ranging all the way from child-rearing and individual and group frustration, to procedures of peaceful settlement and international law, they do not find themselves in agreement on priorities or criteria, or on the theoretical or other foundations on which to base such priorities and criteria. As Dr. Gullvåg points out in his review of the papers entered in the competition, this state of affairs seems to indicate "that the theoretical assumptions and research preferences within this field are so diverse that universal agreement on a few main problems for research is not likely to be reached at present" (p. 293). Under such conditions, he concludes, efforts to direct research "from above" might have the unfortunate result "of violating individual scientific bents and interests so as to destroy creative ability" (pp. 293-94).

While the Institute for Social Research may not have succeeded through the contest that it has sponsored and this publication of the more significant results in producing evidence of much agreement on criteria for determining priorities in research on problems of peace, it has nevertheless performed a very useful service in stimulating thought on the scope and methods of the still-undeveloped science of international relations. Furthermore, by giving expression to the diversity of views which are held, it has emphasized the undeveloped nature of the "science" and the dangers that exist in trying to force it into any preconceived pattern at this time.—LELAND M. GOODRICH, *Columbia University*.

Mathematical Thinking in the Social Sciences.

EDITED BY PAUL F. LAZARSFELD. (Glencoe, Ill.: The Free Press. 1954. Pp. 444. \$10.00.)

This collection introduces several promising types of investigation unfamiliar to most political scientists. It is an exposition of a number of theoretical models having relevance for social science research with articles discussing the problems of model construction for the social sciences. Although the actual models are fairly complicated mathematical expressions, much of the exposition does not depend for comprehension on a knowledge of advanced mathematics.

Modern Political Thought: The Great Issues.

BY WILLIAM EBENSTEIN. (New York: Rinehart & Company, Inc. 1954. Pp. xvii, 806. \$7.00.)

An anthology of modern political thought designed to acquaint the reader with the great ideas that have animated the Western world from Machiavelli to the present day. Selections are grouped under five major divisions: philosophy, psychology, and politics; the foundations of democracy; antidemocratic thought; capitalism, socialism, and the welfare state; from nationalism to world order. The readings in each chapter are prefaced by a short introduction and there is a long annotated bibliography. This is a revision of the author's earlier work *Man and the State: Modern Political Ideas*.

Today's Isms: Communism, Fascism, Capitalism, Socialism.

BY WILLIAM EBENSTEIN. New York: Prentice-Hall. 1954. Pp. x, 191. \$3.95.)

"Totalitarianism and democracy," says the author, "are more than specific social, political or economic systems; they are two diametrically opposed ways of life, with contradicting beliefs and values, based on distinct and opposite conceptions of the nature of man." This book provides a brief but useful introduction to communism, fascism, capitalism, and socialism.

The Political Writings of John Adams: Representative Selections.

EDITED BY GEORGE A. PERK, JR. (New York: The Liberal Arts Press, 1954. Pp. xxxii, 223. \$2.25.)

One of a series dealing with the American heritage, this volume makes John Adams' political thought available in an inexpensive but attractive format. It contains an excellent introduction by the editor together with a few notes and a biographical index.

Sovereign Reason and Other Studies in the Philosophy of Science. BY ERNEST NAGEL. (Glencoe: The Free Press. 1954. Pp. 315. \$5.00.)

A collection of sixteen essays on the philosophy of science by one who believes that "no antecedent limits can be set to the power of scientific reason to acquire theoretical mastery over natural and social processes." The philosophies of Charles Peirce, John Dewey, Alfred North Whitehead, Bertrand Russell, A. S. Eddington, and Hans Reichenbach are subjected to critical analysis.

Conflict and Mood: Factors Affecting Stability of Response. BY PATRICIA KENDALL. (Glencoe: The Free Press. 1954. Pp. 182. \$3.50.)

A specialized inquiry into two of the possible factors which make for unstable responses in attitude questionnaires: the relative desirability of the alternatives offered for the respondent's choice, and the shifts in mood of the respondent himself.

Interviewing In Social Research. BY HERBERT H. HYMAN WITH WILLIAM J. COBB, JACOB J. FELDMAN, CLYDE W. HART AND CHARLES HERBERT STEMBER. (Chicago: The University of Chicago Press. 1954. Pp. xvi, 415. \$8.00.)

A systematic, sophisticated, and exhaustive examination of the problem of interviewer bias in the personal interview situation.

Turrialba: Social Systems and the Introduction of Change. EDITED AND DIRECTED BY CHARLES P. LOOMIS, JULIO O. MORALES, ROY A. CLIFFORD, AND OLEN E. LEONARD. (Glencoe, Ill.: The Free Press. 1953. Pp. viii, 288. \$3.50.)

A cooperative study of the Costa Rican community of Turrialba by the Inter-American Institute of Agricultural Sciences in Turrialba and the Area Research Center of Michigan State College. Though most of the volume consists of reports by various individuals on economics, religion, education, politics, health, social systems, and other comparable data, the underlying emphasis is on "the strategy of change" in the hope that agricultural extension agencies and other programs of technical cooperation can be better planned, evaluated, and improved. A basic postulate is that to introduce change without creating chaos an individual or agency must be able to evaluate accurately the organizational and interpersonal systems toward

which the programs are directed or which their actions may indirectly affect.

Foundations of Social Survival. BY JOHN LINDBERG. (New York: Columbia University. 1953. Pp. viii, 260. \$3.50.)

In this brief and literate venture into social speculation by the U.N. Economic Adviser to Jordan, it is argued that the survival of higher societies is better promoted by Christian love than by the rationalism of ancient philosophy. A commentary, sometimes original, but occasionally eccentric, upon some of the main ideas of social thought from Plato to Toynbee, it is very much concerned with the problem of overpopulation, the possible solution of which is held to be a major contribution of Christianity.

Power, Order, and the Economy: A Preface to the Social Sciences. BY MARBURY B. OGLE, JR., LOUIS SCHNEIDER AND JAY W. WILEY. (New York: Harper & Bros. 1954. Pp. xii, 852. \$6.00.)

A text which should be analyzed by those giving orientation courses in social science. It is an outgrowth of the course at Purdue and seeks to integrate the discussion of political, economic, and social behavior under the concepts of power, order, and economy. It concludes with an analysis of problems in the areas of international order, big business, labor, and the relation of the individual to society.

Fundamentals of Government. BY HENRY J. SCHMANDT AND PAUL G. STEINBICKER. (Milwaukee: The Bruce Publishing Company. 1954. Pp. xii, 507. \$4.50.)

An introductory text "frankly based upon the principle that man is a moral being, with not only a natural but also a supernatural end." Major topics include the scope and methodology of political science; natural law; the philosophy and role of the state; the basic forms, structure, and branches of government; and a concluding chapter on international law and organization.

Struggle for Tomorrow: Modern Political Ideologies of the Jewish People. EDITED BY BASIL J. VLAVIANOS AND FELIKS GROSS. (New York: Arts, Incorporated. 1954. Pp. 303. \$6.50.)

A dozen scholars and partisans examine selected Jewish ideologies, movements, and organizations, e.g., Zionism, Territorialism, Assimilationism.

A Democratic Manifesto: The Impact of Dynamic Christianity Upon Public Life and Government. By SAMUEL ENOCH STUMPF. (Nashville; Vanderbilt University Press. 1954. Pp. x, 168. \$2.75.)

A brief but incisive analysis of the philosophical and religious roots of democracy by a Professor of Philosophy at Vanderbilt University.

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A REMINDER—

AVAILABILITY OF BOOKS THROUGH SOCIAL SCIENCES LIBRARY SERVICE

As announced in a special mailing to APSA members in January, individual members of the Association may now secure any current American professional books on a rental basis from THE SOCIAL SCIENCES LIBRARY SERVICE, 810 18th Street, N.W., Washington 6, D. C. This, of course, includes any of the books reviewed or listed in this issue of the *Review*.

NEWS AND NOTES

PROFESSIONAL CONFERENCES

1955 ANNUAL MEETING OF THE ASSOCIATION

The 1955 Annual Meeting of The American Political Science Association will be held September 7-9, 1955, at the University of Colorado, Boulder, Colorado. The Chairman of the Program Committee is Professor Weldon Cooper of the University of Virginia; the Chairman of the Committee on Local Arrangements is Professor Dayton D. McKean of the University of Colorado.

The Third World Congress of the International Political Science Association will be held in Stockholm, August, 21-27, 1955. Topics on the program include: "The Government of Great Cities," "Role of Party Systems in Democracy," "Role of Public Opinion Polls in the Study of Political Parties," "Relations between Social Classes and Political Parties," "Political Implications of Development Programs," and "Small and Large States in International Organization." In addition, several sessions of the Congress will be devoted to discussion of the results of round-table conferences of IPSA on comparative public administration (Paris, June, 1953) and teaching and research in comparative government (Florence, April, 1954). Further information may be obtained from Jean Meynaud, Secretary General-Treasurer, 27, rue Saint-Guilhaume, Paris 7^e, France.

A round table of the International Institute of Administrative Sciences will be held in Oxford, England, July 10-16, 1955, with the Royal Institute of Public Administration as host. The Institute's round tables are basically meetings of the standing committees, devoted to scientific discussions as well as to Institute affairs. Topics already selected are "Common Elements in the Management of Business and Public Institutions" and "Increased Efficiency of State Economic Enterprises." Further information about the Oxford Round Table can be obtained from Mr. Herbert Emmerich, Chairman, U. S. Section, I.I.A.S., 1313 East 30th Street, Chicago 37.

The Twenty-Sixth Annual Meeting of the Southern Political Science Association was held in connection with the Sesqui-Centennial Celebration of the University of South Caro-

lina at Columbia, November 4-6, 1954. Panel topics included: "Money in Politics," "Alternatives to Communism in Western Europe," "Report of the Commission on Graduate Education and Research in Government," "Recent American Foreign Policy with Respect to the Far East," "Planning and Administration," "What Is Political Theory?", "Problems Encountered in the Teaching of International Relations," and "Liberty, Security, and the Supreme Court." At a luncheon meeting, Gordon Keith Chalmers, President of Kenyon College, addressed the association on the subject, "The Education of Them Deemed Worthy to Be Governors." The subject of the presidential address, delivered by Walter Bennett, University of Alabama, was "Majority Rule and the American Political Tradition: A Restatement and Reappraisal." Officers elected for the following year are: president, Manning J. Dauer, University of Florida; vice-president, Avery Leiserson, Vanderbilt University; and recording secretary, Arthur B. Dugan, University of the South. Newly elected members of the executive council are: Frederic Cleaveland, University of North Carolina; Charles D. Hounshell, Emory University; and William D. Larson, University of Florida.

The first annual conference of the District of Columbia Political Science Association was held on December 4, 1954, in the Hall of Government of George Washington University. The program, arranged by Paul T. David, president, included addresses by the following: Arthur S. Fleming, Director of Defense Mobilization; George Gallup, Director, American Institute of Public Opinion; Eugene Meyer, chairman of the Board, *Washington Post*; Paul Nitze, formerly Director of the Policy Planning Staff, Department of State; and

Edwin G. Nourse, formerly chairman of the Council of Economic Advisers. The Association voted to hold another conference in 1955. Officers for 1955 are: president, Max Kampelman, legislative assistant to Senator Hubert H. Humphrey; first vice-president, W. H. Roberts, Catholic University; and second vice-president, H. Rolland Ludden, George Washington University.—O. B. CONAWAY, JR.

The 1955 annual meeting of the Pennsylvania Political Science and Public Administration Association will be held on April 22 and 23 at Harrisburg. Officers for the year 1954-1955 are: President, M. Nelson McGeary, Pennsylvania State University; vice-president, Willard R. Hancock, director, Bureau of Municipal Affairs; secretary-treasurer, Richard W. Taylor, Lehigh University. New members of the executive council are: Robert P. Wray, Department of Public Assistance; Milton Flower, Dickenson College; Raymond S. Short, Temple University; and Rosalind L. Branning, University of Pittsburgh.—RICHARD W. TAYLOR.

The third annual executive development program of the Cornell School of Business and Public Administration will be held next summer from July 6 through August 11. The six-weeks' intensive program in general management is one of the few such programs which systematically encourage the attendance of public as well as private administrators. Among the public administrators attending last year's program were the assistant general counsel of the Port of New York Authority, a division chief of the National Security Agency, the secretary of the Public Service Commission of New York, and the deputy comptroller of the Naval Bureau of Ordnance. The Cornell program is especially directed to the technically trained executive whose responsibilities are being extended into the area of general management.

A three-day meeting of the Emory Institute of Citizenship was held at Emory University, October 25-28, 1954. The various sessions, which were devoted to educational and world affairs, were attended by six hundred people from all sections of Georgia. Chester Bowles was the leading speaker.

A Workshop on College Training for Politics was held at Kenyon College, Gambier,

Ohio, August 29-September 2, 1954. Twenty-two of the younger teachers of political science from Ohio and Pennsylvania colleges were members of the Workshop, which was sponsored by the Citizenship Clearing House of New York University. Among the consultants who were present for one or more days were Harold Leventhal, general counsel for the Democratic National Committee; two members of Congress, Wayne L. Hays and Jackson Betts; members of the Pennsylvania and Ohio Legislatures; representatives of state central committees of both parties; several journalists; and three political scientists, President John D. Millett of Miami University, Norton Long of Western Reserve University, and W. E. Binkley of Ohio Northern University. Wayne Merrick of Allegheny College and Howard White of Miami University were co-directors.

A Workshop on College Training for Politics was held at Miami University, October 22, 1954, for teachers and students in colleges and universities in the Southern Ohio Citizenship Clearing House, affiliated with the CCH of New York University. The first session was addressed by Norton Long of Western Reserve University and by Murray Seasongood, former mayor of Cincinnati. Other sessions were devoted to discussions led by panels composed of officials of Republican and Democratic central committees of counties in southwestern Ohio, and luncheon addresses by a member of the Cincinnati City Council and a Montgomery County candidate for the state legislature. The program was arranged by Dr. Ralph A. Straetz of Miami University. The director of the SOCCH is Howard White.

A Seminar on Community Development in Foreign Areas was held at Chapel Hill, North Carolina, December 27-29, 1954. Some fifty specialists from many agencies and universities were in attendance. Papers were presented by Aff L. Tannous, Foreign Agricultural Service, U.S. Department of Agriculture, Arthur Raper, Foreign Operations Administration, Ernest Weissmann, Housing and Town and Country Planning Section, United Nations, Henrik Infield, Group Farming Research Institute, Gordon MacGregor, Graduate Curriculum in Social and Technical Assistance, Haverford College, and Charles S. Ascher, Public Administration Clearing House. In addition to general sessions, the Seminar

worked in three discussion groups to maximize opportunity for interchange of ideas and experience related to the topics analyzed in the papers. A brief summary report is in preparation and may be obtained from Harvey F. Baty, Montana State College, Bozeman, Montana. Dr. Baty was director of the Seminar, while Gordon W. Blackwell of the University of North Carolina served as associate director. The Seminar was sponsored by the Research Center in Economic Development and Cultural Change, University of Chicago; the Illinois College Program in Community Development; and the Institute for Research in Social Science, University of North Carolina; in cooperation with the University of North Carolina Extension Division and Community Development Projects, Ltd.

Under sponsorship of the North Dakota Institute for Regional Studies, the Second North Dakota Conference on College Training for Participation in Politics was held October 16, 1954, on the campus of the North Dakota Agricultural College. Political scientists from most of the colleges of the state, politicians, legislators, and civil servants and administrators were in attendance. Norman Wengert, head of the North Dakota Agricultural College social science department, served as chairman of the meeting. Action was taken to make the meetings an annual event.

The thirteenth annual meeting of the Midwest Conference of Political Scientists will be held at Purdue University, May 5-7, 1955. Vice-president Edward H. Buehrig will preside in the absence of President Asher Christensen, who is in Wales on a Fulbright award. Program information may be obtained from the secretary, LeRoy Bennett, Drake University, Des Moines, or from the program chairman, James W. Miller, Michigan State College, East Lansing.

The Grinnell Institute of International Affairs will hold its eighth annual conference at Grinnell College, March 23-26, 1955. The theme of the conference is "Southeast Asia." Among the participants will be Kenneth P. Landon, Office of Philippine and Southeast Asian Affairs; Ambassador Mehat of India; Ambassador Pote Sarasin of Thailand; Ambassador Tran van Chuong of Viet Nam; and Mr. Raul T. Leuterio, Minister Plenipotentiary of the Philippines. The Institute is under the direction of Dr. Joseph Dunner,

chairman of the political science department, Grinnell College.

The first formal meeting of the Kansas Teachers of Government is scheduled for El Dorado, Kansas, March 18, 1955. Mr. Edwin J. Welbourn is in charge of local arrangements.

For the eighth consecutive year, the Survey Research Center of the University of Michigan will hold its Annual Summer Institute in Survey Research Techniques. This special program is designed to illustrate the theory and application of survey research to such fields as business and human relations, psychology and sociology, political behavior, public affairs, public health, economics, and statistics. Again this year a special workshop will be offered in the practical application of survey research methods to these individual fields. The dates for the regular session are July 18 to August 12, with introductory courses offered from June 20 to July 15. Further information may be obtained from the Survey Research Center, University of Michigan, Ann Arbor.

For the fourth consecutive summer, the Pennsylvania State University will conduct an Institute on World Affairs and International Cooperation during the main summer session, July 5-August 12, 1955. It is designed especially for social scientists, teachers, and community leaders, as well as regular graduate and advanced undergraduate students from all fields who wish to deepen their understanding of world problems and what can be done about them. The Institute offers a broad, interdisciplinary program emphasizing the role in international affairs of such diverse fields as science, anthropology, history, economics, politics, religion, education, and agriculture.

The Institute program will include a six-weeks' course in International Understanding; a series of public lectures by visiting authorities on world affairs; a series of weekly roundtable discussions led by faculty members from various departments of the University; and weekly showings of educational and documentary films on world problems. Elton Atwater, associate professor of political science, will be in charge of the Institute program under the general supervision of a University Committee on International Understanding with representatives from each of the nine colleges of the University.

OTHER ACTIVITIES

Political scientists have played an important role in the work of the Commission on Intergovernmental Relations and of the second Commission on Organization of the Executive Branch of the Government. These commissions are now engaged in the preparation of reports for submission to the Eighty-Fourth Congress.

Members of the American Political Science Association and other active members of the profession who have been or are currently working with the Commission on Intergovernmental Relations are as follows: members of the Commission, Meyer Kestnbaum (chairman), Hubert H. Humphrey, United States Senator from Minnesota, and William Anderson, University of Minnesota; executive director, Lyle Belsley, Public Administration Clearing House; director of research, George C. S. Benson, Claremont Men's College; deputy director of research, Hugh L. Elsbree, Legislative Reference Service, Library of Congress; assistant director of research, William B. Prendergast, United States Naval Academy; research associates, Julian Fahy and Leslie A. Grant; and liaison officer, Thomas J. Graves. Consultants to the Commission include: John E. Bebout, National Municipal League; Thomas I. Cook, the Johns Hopkins University; W. Brooke Graves and Dorothy Schaffter, Legislative Reference Service, Library of Congress; Roscoe C. Martin and Frederick C. Mosher, Syracuse University; Harvey Mansfield, the Ohio State University; Arthur W. Macmahon, Columbia University; Carl H. Chatters, formerly of the American Municipal Association; and A. M. Hillhouse, Cornell University. George H. Gallup of Gallup and Robinson, Edward H. Litchfield of Cornell University, and John A. Perkins of the University of Delaware served as members of various advisory and study committees of the Commission.

Political scientists who prepared state chapters for the Governmental Affairs Institute's report on the "Impact of Federal Grants-in-Aid on the Political Structure and Functioning of State and Local Government" submitted to the Commission on Intergovernmental Relations are as follows:

Alabama—Coleman B. Ransone, Jr.; Arkansas—Franklin M. Bridge; Colorado—Laird J. Dunbar; Delaware—Paul Dolan; Florida—Vincent V. Thursby; Idaho—Boyd A. Martin; Illinois—Phillip Monypenny; Iowa—Donald Bruce Johnson; Kentucky—J. E. Reeves and Glennalou Ryan; Massachusetts—

Victoria Schuck; Nebraska—A. C. Breckenridge; New Hampshire—Robert B. Dishman and David C. Knapp; New Jersey—Ernest G. Miller; New Mexico—Dorothy I. Cline and Charles B. Judah; Ohio—Dayton E. Heckman; Oregon—A. Freeman Holmer; Pennsylvania—John H. Ferguson and Charles F. Leedecker; Rhode Island—Felix Rackow; South Dakota—L. M. Carlson; Tennessee—Avery Leiserson and Daniel R. Grant; Texas—O. Douglas Weeks and Wilfred D. Webb; Utah—Milton R. Merrill; Vermont—Rolf N. B. Haugen; Virginia—Spencer D. Albright and Jess H. Walters; and West Virginia—Mavis A. Mann. Roger H. Wells, Bryn Mawr College, planned and directed the study with the assistance of a committee consisting of John J. Corson, Paul T. David, and A. Miller Hillhouse.

Personnel who participated in the state impact studies made for the Commission on Intergovernmental Relations are: Connecticut—Howard Ferguson, H. J. Reber, J. E. Anderson, A. A. Neuwirth, S. I. Pinel, C. E. Reeves, and W. K. Meyer; Michigan—John D. Corcoran, Wendell G. Schaeffer, H. G. Pope, G. M. Morris, Charles S. James, Edward Pottoff, David Bauer, and Wayne Anderson; Mississippi—John J. Corson, Bruce W. Rohrbacker, and Leonard Carulli; North Carolina—Robert S. Rankin; South Carolina—William H. Simpson, Glenn Abernathy, Robert Stoudemire, Allan P. Sindler, Shirley Ulmer, Robert S. Rankin, and Harold Alderfer; Washington—William H. Dennick, A. Sheridan Atkinson, John A. Beckett, and Ian S. Wishart; Kansas and Wyoming—Thomas J. Jacobs, James R. Pollock, J. L. Jacobs, M. D. Miller, and A. F. Westwood.

The Commission on Organization of the Executive Branch of the Government (second Hoover Commission) and its Task Forces likewise have employed a number of political scientists. Harold W. Metz, formerly of the Brookings Institution, is director of research for the Commission, and Jarold A. Kieffer, recently of the Office of Defense Mobilization, is assistant to Commissioner Arthur Fleming. Harold W. Dodds, president of Princeton University, is chairman of the Task Force on Personnel and Civil Service, and George A. Graham, also of Princeton, is staff director. Leonard D. White, professor of political science at the University of Chicago, is a member of this Task Force, and William Pincus, on leave from the Bureau of Land Manage-

ment, Department of the Interior, is serving on the staff.

Other political scientists serving as staff members of the various Task Forces of the second Hoover Commission include: Overseas Economic Operations—Charles H. Thomson, on leave from the Brookings Institution; Procurement—Jay B. Wescott, formerly of the Office of Military Government in Germany; and Medical Services—Lewis B. Sims, on leave from the Department of Health, Education, and Welfare. Russell Forbes, formerly deputy administrator of the General Services Administration, is consultant to the Commission's Task Forces on Surplus Property and on Business Organization of the Department of Defense. Charles D. Curran, on loan from the Legislative Reference Service, Library of Congress, is administrator of the Task Force on Water Resources and Power. Consultants to this Task Force include Fred A. Clarenbach of the University of Wisconsin and Albert L. Sturm of West Virginia University.

The School of Advanced International Studies of the Johns Hopkins University has developed an expanded area-language training program on South and Southeast Asia. During the current year this program consists of three main parts: the offerings during the regular academic year at the School in Washington; a special summer session and conference in Washington dealing with Nationalism and Progress in South and Southeast Asia; and the activities of the Rangoon-Hopkins Center for Southeast Asia Studies in Rangoon, Burma.

At the 1955 special summer session, Professors Linebarger and Johnstone of the School's faculty will offer courses, respectively, on Colonialism, Nationalism, and Communism in Southeast Asia and on Contemporary Problems of South Asia. Visiting faculty members will be Professor D. G. E. Hall of the School of Oriental and African Studies at the University of London, Professor Victor Purcell of Cambridge University, Professor Shannon McCune of Colgate University, and Charles Thomson of the Brookings Institution. Courses offered by these visiting lecturers will include Background of Colonialism by Professor Hall, Southeast Asian Economic Problems by Professor Purcell, Geographic Factors in the Development of South and Southeast Asia by Professor McCune, and Problems of Communist Expansion in Southeast Asia by Dr. Thomson.

As an integral part of the summer session

the School will hold a four-day invitation conference from August 8-11 on "Nationalism and Progress in South and Southeast Asia." In addition to members of the School's summer faculty, those who at this writing have agreed to present papers at this conference include Rupert Emerson of Harvard University, James Barrington, Burmese Ambassador to the United States, Chester Bowles, former United States Ambassador to India, and Ferdinand Kuhn of the *New York Times*. Malcolm MacDonald, Her Majesty's Commissioner General for Southeast Asia, Htin Aung, Rector of the University of Rangoon, and R. Supomo, Indonesian Ambassador to London, also have indicated willingness to participate if their official duties will permit.

The Rangoon-Hopkins Center for Southeast Asian Studies has been established in Rangoon with the support of the University of Rangoon. The program of the Center is designed to foster an increasing cooperation among the universities of Southeast Asia in research efforts involving problems of common concern and to provide an advance study base for a few of the School's best qualified students who are specializing in the area. The Center got under way in June, 1954, with the arrival in Rangoon of William T. Phillips, professor of international economics at the School, who is serving as the first co-director of the Center with Dr. Htin Aung, Rector of the University of Rangoon, serving as director. Four advanced students from the School currently are undertaking research at the Center and, in addition to their substantive work, are studying the Burmese language. As a part of the first year's program, a "Burma Seminar Series" open to faculty and qualified students and including lectures on Burmese culture, geography, Buddhism, and political and economic history has been organized. The University of Rangoon has furnished office and living quarters for the American members of the Center, and the Johns Hopkins University has provided a working library suited to the needs of the center.

The Johns Hopkins University School of Advanced International Studies in Washington, D.C. opened an overseas branch of the School on March 1, 1955, in Bologna, Italy. The branch will be known as the Bologna Center of the School of Advanced International Studies of the Johns Hopkins University. The student body, limited to fifty, will be divided equally among Americans and Europeans. The new Center will provide opportunity for qualifying American graduate

students to do graduate study or field research on France, Germany, Austria, or Italy. Dr. C. Grove Haines, professor of diplomatic history at the School, will direct the Center in Bologna, and Professor John A. Loftus will teach international economics. The remainder of the teaching staff will be made up of eminent scholars from France, Italy, Germany, and Austria.

An International Workshop in Applied Management has been organized by the department of political science and public administration at the American University in cooperation with the Foreign Operations Administration. The Workshop sessions are designed to assist participants, men and women in responsible government positions in other countries, to achieve desired results through the application of managerial knowledge and experience. In the conduct of the Workshop, recognition will be given to the resistances frequently encountered by government officials in stimulating change, and the means for overcoming such obstacles will be discussed. Jack Koteen, of the Public Administration Division, Foreign Operations Administration, will serve as Workshop director and instructor.

As a memorial to the late Louis Kuhn Benjamin, former Foreign Service Officer, an annual seminar to be administered through the department of political science has been established at the University of Cincinnati. It is intended to stimulate interest among college students in the Foreign Service of the United States and train them for careers in the Foreign Service, in the Department of State, or other government agencies with responsibilities in the field of foreign affairs. The first seminar was held on March 11 and 12, 1955, with the cooperation of the Department of State and the Operations Research Office. Students and faculty members from other institutions were invited to participate.

Columbia University has invited Thomas Reed Powell to be lecturer on the James S. Carpenter Foundation during the spring session of 1954-55.

The Fletcher School of Law and Diplomacy has announced a new project entitled "Research Studies on Japan's Social Democratic Parties," made possible by a grant from the Ford Foundation. Work is being conducted by five American and Japanese social scientists during the period 1954-57. Dr. Allan B. Cole

is serving as coordinator; other contributors are Dr. George Totten (at present lecturer on Chinese and Japanese political institutions at Columbia University), Cecil Uyehara, and research assistants Seiichi Izumi and Michio Royama. The main products of these studies will include a selected and annotated bilingual bibliography of the whole Japanese Socialist movement, a monograph on Japan's pre-war non-Communist proletarian parties, and a treatment of the post-war Social Democratic parties—their history, leadership, strategies, theories, policies, and support by various sectors of rural and urban society.

The department of government, Indiana University, has undertaken the production of several motion pictures in cooperation with the Indiana University Audio-Visual Center. First to be completed was a color film entitled "The Legislative Process," which deals with the Indiana General Assembly; it has already been widely shown throughout the state of Indiana. Currently in production is a film entitled "How to Vote." A guidance film for high school students, "The Study of Government," outlines the general nature and content of the undergraduate government major.

Indiana University has inaugurated a series of management training courses for federal, state, and local employees in the Indianapolis area. The program, established by the Institute of Training for Public Service of the department of government, is being conducted in cooperation with the University's Division of Adult Education. Approximately fifty persons are now participating.

The departments of government and economics at Indiana University are jointly offering a new seminar on Problems of Developing Economically Under-developed Countries. It is designed to cover country planning and programs of international and national agencies operating in Asia, Latin America, the Middle East, and Africa.

Under the sponsorship of the department of political science, Kent State University inaugurated at the beginning of the 1954-55 academic year a specialized program in public administration entitled "Government Service" and culminating in a Bachelor of Science degree from the College of Liberal Arts. The course is designed to furnish the basic training and equipment for students desiring professional careers as public administrators in national, state, or municipal government.

During the summer of 1954, a group from the department of government, University of Miami, composed of Professors D. R. Larson, Edward Sofen, and T. J. Wood, and assisted by Professor R. C. Beiler, undertook a study of the attitudes toward segregation as they existed in the greater Miami area on behalf of the Attorney General of the State of Florida, Richard W. Ervin. Mr. Ervin used the findings of this report and of similar reports in other parts of the State as the basis for the brief that he submitted to the United States Supreme Court.

Recent lecturers at Miami University, Oxford, Ohio, include Professor Carl B. Swisher, of the Johns Hopkins University, who lectured on "The Supreme Court: Need for Reevaluation," November 9; and former Attorney General Francis Biddle who spoke on "The Philosophy of Mr. Justice Holmes," on December 9, 1954.

The political science department of Michigan State College has received a three-year grant of \$71,600 from the Maurice and Laura Falk Foundation for the establishment of a Falk Graduate Fellowship Program. The purpose of the program will be to enable selected students to pursue doctoral studies under conditions giving them special opportunities for field observation of politics and of state and local government, together with supervised practice teaching.

The City College of New York has established a program of graduate work leading to the degree of Master of Arts in New York Area Studies. This interdisciplinary program is supported by a research grant from the Rockefeller Foundation, and a teaching grant from the Lucius N. Littauer Foundation.

Research projects now being undertaken include study of the emergence of Greater New York, 1898-1900; the nature of reform movements in the metropolis; centralizing and decentralizing forces in the political and governmental institutions of the metropolitan area; the dynamics of manufacturing industries and retail trade in the New York area; the metropolis as a center of art, literature, and music; social class and stratification in the New York metropolitan area; unifying factors in metropolitan group relations; and philosophical aspects of metropolitan New York life.

A limited number of graduate assistantships are available for the academic year beginning September, 1955. Requests for additional in-

formation should be addressed to Professor Oscar I. Janowsky, director of Graduate Studies, Convent Avenue and 139th Street, New York 31.

The University of Pennsylvania has signed a three-year contract with the Foreign Operations Administration for the establishment of an Institute of Public and Business Administration at the University of Karachi. Norman D. Palmer, professor of political science at the University of Pennsylvania, is acting as coordinator for the University's Karachi Project. Professor Palmer went to Pakistan in April, 1954, as a consultant to the Foreign Operations Administration. Four staff members are already in Karachi: G. Wright Hoffman, professor of insurance and marketing, who is Chief of Party; T. Hillard Cox, lecturer in industrial management; Henry Goodnow, lecturer in political science; and John Lutz, instructor in finance. Several other staff members will be sent to Karachi during the next six months.

The University of Texas has inaugurated an undergraduate area program in Eastern European Studies. This program is administered by a committee on which the departments of economics, geography, government, history, and sociology are participating. Students are required to take a major in any one of these departments and, in addition, at least twenty hours of language (Russian or Czech and Russian) and thirty hours in area content courses, including a senior interdepartmental seminar with a senior thesis. Members of the department of government who are participating in the program are Professor H. Malcolm MacDonald and Associate Professor Eduard Taborsky.

A collection on microfilm of the records and briefs of twenty-three important trials involving the issue of Communism has been completed and is now being distributed to the Library of Congress and certain other libraries. Sponsored by the Fund for the Republic, the records selected for the microfilm project were made available through the cooperation either of the Attorney General and the United States Department of Justice or of counsel in the cases. The microfilm library, in the view of the committee, will help meet the present need for factual, accurate, and carefully compiled information on the Communist problem. The records and briefs of the twenty-three major trials included in the collection have

not previously been generally available in any one place. The eighty reels that make up the collection represent 170,000 pages of transcripts and exhibits at these trials. The micro-filmed proceedings range from *People v. Lloyd*, which confirmed the conviction for sedition of eighteen members of the Communist Labor party who attended the party's founding convention in Chicago in 1919, through the recent *United States v. Rosenberg*. The Rosenberg record, a copy of what is perhaps the only complete record in existence, covers the proceedings subsequent to the sentencing of the Rosenbergs and has not previously been made generally available. The Hiss, Coplon, Dennis, and Sobell trials are among the important trials of recent years included in the collection. The libraries which will serve as depositories are the University of California Library at Berkeley, the University of Chicago Library, the Harvard University Library, the New York Public Library, the Cornell University Library, the Mirabeau B. Lamar Library of the University of Texas at Austin, the University of Washington Library at Seattle, and the Florida State University at Tallahassee, in addition to the Library of Congress. Copies of the collection will also be available at the offices of the Fund for the Republic, One East 54th Street, New York 22.

The library of the Carnegie Endowment for International Peace has been named the James Thomson Shotwell Library in honor of Dr. James T. Shotwell, historian, educator, author, and president emeritus of the organization.

Governor George Leader of Pennsylvania has appointed an Advisory Committee on Government Reorganization and a number of consultants to facilitate the orderly and constructive transition of the state administration. Personnel are drawn from four universities receiving state aid: the University of Pennsylvania, the Pennsylvania State University, the University of Pittsburgh, and Temple University. Representatives of the Associated Institutes of Government on the Advisory Committee are Stephen B. Sweeney, University of Pennsylvania; Harold F. Alderfer, Pennsylvania State University; and William B. Willis, University of Pittsburgh. Consultants who are members of political science departments or of institutes of local government include: University of Pennsylvania—Henry D. Harral, on leave as Commissioner of Streets of the City of Philadelphia, C. Arthur Kulp, member of the Institute Board and chairman of the Insurance Department,

and H. Michael Albers, management consultant of the Institute; Pennsylvania State University—Professors Harold F. Alderfer, R. Wallace Brewster, John H. Ferguson, Charles F. LeeDecker, and M. Nelson McGeary; University of Pittsburgh—Professor Albert B. Martin; and Temple University—Professor Gayle Lawrence. Consultants have also been drawn from other branches of the universities. Each consultant will study one department with the purpose of advising the in-coming head and of assisting the new administration to accomplish necessary departmental reorganization.

Charles Aikin, of the University of California (Berkeley), spent the spring and summer of 1954 in Europe as a member of the Exchange Program of the German Republic. He participated also in the International Political Science Conference on Comparative Politics at the University of Florence, in a round table of the International Institute of Administrative Sciences at The Hague, and in the Fourth International Congress of comparative Law in Paris.

Paul V. Betters, executive vice-president of the United States Conference of Mayors, was decorated with the Swedish Royal Order of Vasa, Knighthood, First Class, for his services in the field of international municipal administration at a ceremony in the Swedish Embassy in Washington on January 4. Previously, Mr. Betters had been decorated by the Governments of the Netherlands, Norway, Italy, France, and Finland for his work in this field.

D. Mackenzie Brown, professor of political science at the University of California (Santa Barbara College), is one of two winners of the 1954 Watumull Prize for his recent book, *The White Umbrella: Indian Political Thought from Manu to Gandhi*, published by the University of California Press. The \$500 award was announced at the annual meeting in December of the American Historical Association in New York.

Fund for the Republic sponsorship has been accorded to a research program to be pursued by Cornelius P. Cotter of Stanford and J. Malcolm Smith of the University of California (Riverside) in 1954-55. They will be aided by Warren Campbell, a Stanford Ph.D. candidate. The topic relates to executive war powers and devices for insuring their responsible administration.

Joseph Dunner, chairman of the political

science department at Grinnell College, was awarded the Order of Ouissam Alaouite Chérifien (Legion of Honor) by the Chérifien Government of French Morocco, on November 12, 1954, in recognition of his writings on the Near East. The decoration and documents were presented by the consul general of France in Chicago on December 7, 1954.

Henry W. Ehrmann, of the University of Colorado, has obtained a grant from the Four Universities Project (Chicago, California, Harvard, and Massachusetts Institute of Technology) on "The Role of Labor in Economic Development." This grant enables Professor Ehrmann to be free from teaching duties during the spring and summer session of 1955 to complete his manuscript on "The Structure and Politics of French Trade Associations." Professor Ehrmann continues to serve as a member of the National Selection Committee of the Fulbright Program.

Robert E. Elder, associate professor of political science at Colgate University, is in Washington, D.C. during the spring semester with ten honor students in political science as director of the Sixteenth Colgate-Washington Study Project.

Wesley Fishel, associate professor of political science at Michigan State College, spent several months in the fall and winter, 1954-55, in Saigon as special consultant to Premier Ngo Dinh Diem and to the American Ambassador.

Carroll Hawkins, associate professor of political science at Michigan State College, spent the fall in Western Europe engaged in a study of left-wing and middle-class political movements.

Ruth C. Lawson, associate professor of political science at Mount Holyoke College, gave a course in Paris last summer on the North Atlantic Community under the sponsorship of the newly formed American College Council for Summer Study Abroad. This organization, in which fourteen American universities and colleges collaborate, is designed to give American college students opportunities for combining serious academic study with residence abroad.

George A. Lipsky, visiting professor at Yale University, gave a special lecture on December 15, 1954, to a group of faculty members and graduate students at the University of Pennsylvania on the subject, "A Program for Liberals."

Hans J. Morgenthau, of the University of Chicago, lectured during the summer of 1954 at the Universities of Oxford, Paris, Geneva, and Frankfurt.

William B. Munro, who recently celebrated his eightieth birthday, received tributes from the Southern California Political Science Association and the American Political Science Association for his distinguished service in the profession. Professor Munro is the senior living past president of the American Political Science Association and was a member of the small group that established the Association more than half a century ago.

Henry Reining, Jr., dean of the School of Public Administration, University of Southern California, was in Iran during January to consult with the team from the School of Public Administration that is establishing an Institute for Administrative Affairs at the University of Teheran.

Harry W. Reynolds, Jr., of the political science department of the University of Pennsylvania, served as special consultant to the Philadelphia Housing Authority on tenant selection and rehabilitation during the summer of 1954.

Robert Scalapino, of the University of California (Berkeley), spent the summer in Indonesia as faculty adviser to CAL-INDO, student group dedicated to cultural understanding with Indonesia.

Professor and Mrs. Harold Sprout of Princeton are carrying on research in England where they are collecting material for a study of geographic factors in British foreign policy. This is a part of a three-year program supported jointly by Princeton University and the Rockefeller Foundation. The program as a whole is designed to include some appraisal of the use and possible misuse of geographic knowledge in the analysis and interpretation of foreign policy and other phenomena of international politics. Mr. and Mrs. Sprout will welcome correspondence with scholars who may be working in this or related fields. Their address until June is Nuffield College, Oxford University. They will return to Princeton in September.

The Order of Merit of the Federal Republic of Germany was awarded to Professor Harvey Walker of Ohio State University on December 17. Presentation of the honor was made by Dr. W. H. Van Almsick, German consul of Detroit, Michigan, at the University's autumn

quarter commencement exercises. The Order of Merit recognizes accomplishments furthering the reconstruction of Germany in political, economic, social, or scientific fields, and is bestowed upon persons who have contributed to the peaceful advancement of Germany through their activities. Professor Walker was cited for his service as a mentor and guide for Germans visiting the United States on study tours since 1951.

Edward W. Weidner, chairman of the political science department at Michigan State College, has been serving as chief of a Foreign Operations Administration mission, composed

of Michigan State College Faculty members, which has made preliminary studies in South Vietnam, looking toward the possible establishment of a National Institute of Administration in that country.

Leonard D. White has been named Ernest Dewitt Burton Distinguished Service Professor of Public Administration at the University of Chicago. He has also received, from the Society for Personnel Administration in Washington, D.C., the Stockberger Award, an annual presentation for outstanding contributions to either public or private personnel administration.

APPOINTMENTS AND STAFF CHANGES

Robert E. Agger, of the University of North Carolina, is at Stanford University during the current year as a staff member of the Center for Advanced Studies in the Behavioral Sciences.

Tahir Aktan, of Ankara, Turkey, was awarded a United Nations public administration scholarship and is now studying at Indiana University. Mr. Aktan is a graduate of the Faculty of Law of Ankara University, and was a research assistant in the Public Administration Institute for Turkey and the Middle East during 1953 and 1954. On completion of his study in the United States, it is expected that he will return to a staff position in the Ankara Institute.

Benjamin Akzin, dean of Hebrew University, Jerusalem, Israel, is serving as visiting professor of comparative constitutional law during 1954-55 at New York University.

Harold F. Alderfer has been made head of the department of political science at the Pennsylvania State University for a three-year term. He succeeds R. Wallace Brewster, who has been department head for the past three years under the rotating system.

Paul H. Appleby, dean of the Maxwell Graduate School of Citizenship and Public affairs, Syracuse University, is on leave to serve as director of the Division of the Budget of New York State.

Hannah Arendt, formerly of Brooklyn College and New York University, has been appointed visiting professor of political science at the University of California (Berkeley) for the spring semester.

John A. Armstrong has been appointed assist-

ant professor of political science at the University of Wisconsin.

William B. Ballis, professor of political science at the University of Washington, has returned to the university after an eighteen-months leave of absence. Professor Ballis was American Director of the Institute for the Study of the History and Institutions of the U.S.S.R., located in Munich, Germany. In July, 1954, Professor Ballis served as chairman of the Conference on the Nationality Question in the U.S.S.R., held in Tutzing, Germany, under the auspices of the Munich Institute, which brought together leading Soviet emigres and European specialists on the Soviet Union.

Arthur C. Banks, Jr. has been named assistant professor of political science and assistant dean at Morgan State College, Baltimore, Maryland.

Jorge Basadre, of the University of San Marcos in Peru, is a visiting professor in the Woodrow Wilson Department of Foreign Affairs, University of Virginia.

George M. Belknap, assistant professor of political science and associate director of the Governmental Research Bureau at Michigan State College, has accepted an appointment of nine months' duration as executive assistant to David Hayworth, newly elected U.S. Representative from the Sixth District of Michigan.

Arthur H. Benedict is on sabbatical leave from Hiram College during the second semester of the current academic year to travel and study in Great Britain.

Donald G. Bishop, professor of political

science at the Maxwell School, Syracuse University, is on sabbatical leave during the current spring semester.

Joseph E. Black, of the department of government, Miami University, is on leave during the current year to do research on various phases of international organization. The research is financed by a foundation grant.

Carey Brewer, of the Legislative Reference Service, Library of Congress, has been appointed lecturer in political science at the American University.

Bernard E. Brown, formerly instructor in political science at the College of the City of New York, has been appointed assistant professor of political science at Michigan State College.

Daniel Buchanan, Foreign Affairs Officer, Department of State, has been appointed lecturer in political science at the American University.

Philip W. Buck, of Stanford University, will be on sabbatical leave for the academic year 1955-56. He will carry on research in England with the aid of a grant from the Ford Foundation.

Eugene L. Burdick, University of California (Berkeley), is on leave for the year as a senior fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford University.

Ardath W. Burks has been promoted to associate professor of political science at Rutgers University. During 1952-53 he served as acting director of the University of Michigan Research Center at Okayama, Japan. He is currently chairman of the program committee of the Far Eastern Association.

David H. Butler, of Nuffield College, Oxford, was a visiting lecturer in political science at the University of California (Berkeley) during the 1954 summer session.

Sven Clausen, of the University of Copenhagen, was Whitney-Fulbright visiting lecturer in political science at the University of North Carolina during the fall semester.

Dorothy I. Cline, assistant professor of government, has obtained leave of absence from the University of New Mexico beginning February 1, 1955, in order to serve as State Director of Health, Physical Education and Recreation in the New Mexico State Department of Education in Santa Fe.

John J. Corson, manager of the Washington office of McKinsey and Company, management consultants, former director of the U.S. Employment Service and formerly deputy director of UNRRA, has accepted a second appointment as visiting professor of administration and director of executive development at the Cornell University School of Business and Public Administration.

Robert Cox, executive officer of the Federal Communications Commission, has been appointed lecturer in public administration at the American University.

James V. Elliott has been promoted to the rank of assistant professor of government at Tufts College.

Leon D. Epstein has been promoted to a full professorship in political science at the University of Wisconsin.

Phoebe H. Everett, formerly an instructor in the Maxwell School of Citizenship at Syracuse University and latterly with the United States Information Agency, will be the administrative assistant to the director of the Bologna center of the School of Advanced International Studies of the Johns Hopkins University.

LeRoy C. Ferguson has been appointed professor and head of the Governmental Research Bureau at Michigan State College.

William F. Fitzgerald, who received his doctorate at Georgetown University in 1954, has been appointed instructor in political science at Loyola University, Los Angeles.

Gisbert Flanz has taken a leave of absence from New York University to serve as technical adviser in the field of public administration and political science at Ankara University, Turkey.

G. James Fleming, former regional director of the President's Committee on Fair Employment Practices, has accepted an appointment as associate professor of political science at Morgan State College, Baltimore, Maryland.

Floyd Flom, of Long Beach College, California, is a visiting assistant professor of political science at the University of Minnesota during the winter and spring quarters of 1955.

Ludwig F. Freund resigned as chairman of the political science department at Roosevelt University, February 1, 1955. George

H. Watson has been appointed acting chairman for the period February 1, to August 1, 1955.

John Fried, formerly legal officer, Technical Assistance Administration, United Nations, is serving as a visiting lecturer in the department of government, Graduate School of Arts and Science, New York University.

W. Leon Godshall resumed his regular position in September as head of the department of international relations at Lehigh University after spending approximately a year as executive secretary of the Fulbright Program in Japan and, subsequently, teaching one semester at the University of the Philippines. Dr. Godshall has been elected president of the International Platform Association, and he is continuing to serve as president of Pi Gamma Mu, national social science honor society. During the coming summer he will teach at the University of Hawaii.

W. Brooke Graves, chief of the Governments Division, Legislative Reference Service, Library of Congress, was a visiting professor in the department of political science at the University of Minnesota during the winter quarter of 1955, teaching courses in public administration and legislative organization and procedure.

Morton Grodzins has resigned his position as Dean of the Social Sciences at the University of Chicago and has been appointed Advisor on Special Projects to the Chancellor of the University.

Andrew Gyorgy, of Boston University, was lecturer in political science at the Massachusetts Institute of Technology during the first semester, 1954-55. He is offering a course on Soviet Foreign Policy at the Fletcher School of Law and Diplomacy during the second semester.

Louis J. Halle, formerly of the Policy Planning Staff, Department of State, joined the Woodrow Wilson Department of Foreign Affairs at the University of Virginia in September as research professor.

Joseph P. Harris, of the University of California, offered a graduate seminar in politics at Stanford University during the winter quarter, 1955.

Robert Hayton, formerly of the University of California (Berkeley), has been appointed to the staff at Hunter College, New York City.

Robert B. Highsaw, formerly professor of political science and director of the Bureau of Public Administration at the University of Mississippi, has been appointed professor in the Bureau of Public Administration and department of political science at the University of Alabama. He will act as educational director of the Southern Regional Training Program in Public Administration.

Abraham Holtzman, who was one of the congressional internes in 1953-54, has been appointed assistant professor of political science at Michigan State College.

Thomas Hovet, Jr. is acting assistant professor of government at Miami University during the 1954-55 academic year.

Ralph K. Huitt has been advanced to associate professor of political science at the University of Wisconsin.

Norman Jacobson, University of California (Berkeley), is on sabbatical leave for 1954-55 to carry on research under a fellowship of the Fund for the Advancement of Education at the Institute for Advanced Study, Princeton University.

Hans Kelsen, professor emeritus, University of California (Berkeley), has returned to Berkeley and is continuing his research after a year spent at the *Institute Universitaire des Hautes Etudes Internationales* and a year at the Naval War College, Newport.

Adrienne Koch has been appointed visiting associate professor of political science at the University of California (Berkeley) during the current academic year.

Jack Koteen, a staff member of the Public Administration Division of the Foreign Operations Administration, has been appointed lecturer in public administration at the American University.

Lyle Kyle has resigned as assistant director of the Governmental Research Center, University of Kansas, to accept a post as executive director of the Woodbury County Taxpayers Commission, Sioux City, Iowa.

Louis E. Lambert, of the department of government at Indiana University, is on sabbatical leave from February to September studying administration in three English cities.

James E. Larson, formerly director of research in the Institute of Public Administra-

tion at the University of the Philippines, has been appointed associate professor in the Bureau of Public Administration and department of political science at the University of Alabama.

John W. Lederle has returned to his duties as director of the Institute of Public Administration and professor of political science at the University of Michigan after having served as controller in the Michigan Department of Administration during 1954.

George Lenczowski has been appointed associate professor of political science at the University of California (Berkeley).

Werner Levi, of the University of Minnesota, has received grants that will enable him to spend most of the year 1955 in Australia, Malaya, Siam, and India to do research work on the international relations of Asia.

William S. Livingston, associate professor of government at the University of Texas, has accepted a part-time appointment as assistant dean of the graduate school.

Duane Lockard, assistant professor of government at Connecticut College, is on leave of absence as a Ford Foundation Faculty Fellow to study the politics of New England state legislatures. In the November election, Mr. Lockard was elected as a senator to the Connecticut General Assembly; he will continue his research project while serving in the Senate.

Leo Benjamin Lott, who received his Ph.D. at the University of Wisconsin, has been appointed instructor at the Ohio State University, where he will give the course in Latin American governments.

M. Nelson McGeary is on leave of absence from the Pennsylvania State University during the second semester to engage in research under a grant from the American Philosophical Society.

James W. Miller, professor of political science at Michigan State College, has been appointed Controller of the State of Michigan by Governor G. Mennen Williams. Professor Miller is expected to be on leave from his academic post for two years.

Earl Mittleman has been appointed part-time instructor in government at Washington Square College, New York University.

Malcolm C. Moos, of the Johns Hopkins

University, has been appointed visiting professor of political science at the University of Michigan for the second semester, 1954-55.

Frederick C. Mosher, of Syracuse University, is spending the spring semester as professor of public administration at the University of California (Berkeley).

Rodney L. Mott, director of the division of social sciences and a member of the political science department at Colgate University, has returned to the campus after spending the summer and fall terms teaching courses on the American legal system and jurisprudence at Kyoto University in Japan as director of the Kyoto American Studies Seminar sponsored by the University of Illinois.

Lloyd D. Musolf is on leave from Vassar College during 1954-55 to study Canadian public enterprise in Ottawa. Last summer he taught at the University of Delaware.

Arthur Naftalin, of the University of Minnesota, has been granted a leave of absence for the remainder of the academic year in order to accept an interim appointment as State Commissioner of Administration.

Felix A. Nigro has returned to the University of Puerto Rico, where he is serving as coordinator in a training program for Brazilian students during the current academic year. During 1952-54, he was public administration consultant for the Foreign Operations Administration in various countries in South and Central America.

Edward R. O'Connor, who received his doctorate in 1954 from the University of Notre Dame and is currently serving in the Air Force in St. Louis, has been appointed lecturer in political science at Washington University.

Felix E. Oppenheim, on leave as chairman of the department of political science at the University of Delaware, is visiting associate professor in the political science department at Stanford University during the spring quarter.

Richard L. Park, of the University of California (Berkeley), has been appointed assistant to the chancellor in addition to his teaching duties.

Julius Paul, who held part-time instructorships at the Ohio State University and at Denison University during the fall, has been appointed visiting assistant professor at Kenyon College for the spring semester.

J. Roland Pennock has resumed his duties as professor and chairman of the department of political science at Swarthmore College after a stay in England on a Guggenheim grant.

O. C. Press, formerly of the University of Minnesota, joined the social science department of the North Dakota Agricultural College as instructor in political science in September, 1954. Dr. Press is also a member of the Community Research and Service Staff, a division of the North Dakota Institute for Regional Studies.

Ross J. Pritchard has been appointed assistant professor of government at Tufts College.

Rouhollah Ramazani was appointed lecturer in the Woodrow Wilson Department of Foreign Affairs at the University of Virginia in September to give courses on the Middle East in international affairs.

Alan C. Rankin, formerly of the political science department, Miami University, Oxford, Ohio, is the new director of student affairs and assistant professor of public administration at the Cornell University School of Business and Public Administration.

Harry H. Ransom, who was a Congressional Intern during 1953-54, has been appointed assistant professor of political science at Michigan State College.

Bennett M. Rich has resumed his duties as associate professor of political science and director of the Bureau of Government Research at Rutgers University. During 1953-54 he was on leave to serve as acting director of the Institute of Public Administration at the University of Michigan.

Neal Riemer has been promoted to associate professor of political science at the Pennsylvania State University.

Ruth Roettinger has been appointed instructor in political science at the University of North Carolina.

Glendon A. Schubert, assistant professor of political science at Michigan State College, is a visiting professor at the University of Minnesota during the spring term, 1955.

William L. Schurz, of the American Institute for Foreign Trade, Pheonix, was visiting professor of political science at the University

of California (Berkeley) during the 1954 summer session.

Harry M. Scoble, formerly of Yale University, has accepted a full-time instructorship in political science at the University of North Carolina.

Lloyd M. Short, of the University of Minnesota, was on leave during the winter quarter of 1954-55 to serve as a consultant in the Institute of Public Administration at the University of the Philippines.

Ruth C. Silva has been promoted to associate professor of political science at the Pennsylvania State University.

Joel David Singer is serving as teaching assistant in government at Washington Square College, New York University.

David G. Smith, instructor of political science at Swarthmore College, will spend the academic year 1955-56 in England on research in post-Marxian socialism under a Rockefeller grant.

Rhoden A. Smith has been promoted to assistant professor of political science at the University of Kansas.

Nidamarulu Srinivasan, of Andhra University, Waltair, India, has been appointed visiting lecturer in the department of political science at the University of Michigan for the second semester, 1954-55.

O. Glenn Stahl has been named director of the Bureau of Programs and Standards, U. S. Civil Service Commission.

John Stoner, of the department of government at Indiana University, has received a grant from the Automotive Safety Foundation to complete a study of Minnesota county highway administration. He has been carrying on his investigation under the auspices of the Committee on Organization and Administration of the Highway Research Board.

John E. Swanson has been appointed director of the Bureau of Governmental Research and Service in the School of Public Administration at Florida State University, replacing Mr. James J. Flannery who has become associated with the Pennsylvania Economy League. Dr. Swanson holds his Doctor's degree from the University of Illinois and was chief training officer of the Institute of Public Affairs at the University of Texas be-

fore joining the staff of the School of Public Administration at Florida State University.

Garold W. Thumm has been promoted to assistant professor of political science at the University of Pennsylvania.

Julian Towster has been promoted to the rank of professor of political science at the University of California (Berkeley). He spent the fall semester on sabbatical leave in residence.

Frank N. Trager, formerly director, United States Special Technical and Economic Mission to Burma, is a visiting lecturer in the Graduate School of Arts and Science, New York University. Mr. Trager has been elected to the Council on Foreign Relations.

Arthur H. Vanderberg, Jr., who has just completed a world-wide tour, has returned to the University of Miami as a lecturer for the spring term.

John P. Vloyantes, who received his Ph.D. degree from the University of Utah in June, 1954, has been appointed instructor in political science at Pacific University in Oregon.

Earle Wallace, formerly of the University of North Carolina, has been appointed instructor

in political science at The Citadel.

Frederick M. Watkins, of Yale University, has been appointed visiting professor of government at Columbia for the spring session, 1954-55.

Norman Wengert, chairman of the North Dakota Agricultural College social science department, has been made director of the Community Research and Service Staff, a research agency established by the North Dakota Institute for Regional Studies.

York Willbern has returned to his position at the University of Alabama after several months as Fulbright lecturer in public administration at Victoria University College in New Zealand.

Charles Wolf, Jr., formerly of Syracuse University, has been appointed assistant professor of political science and associate research economist in the Institute of East Asiatic Studies at the University of California (Berkeley).

Sheldon Wolin, formerly of Oberlin College, has been appointed assistant professor of political science at the University of California (Berkeley). He is on leave during 1955 to conduct research under a Rockefeller grant.

IN MEMORIAM

John Peter Senning, professor emeritus of political science at the University of Nebraska, died in Lincoln, December 4, 1954, at the age of seventy. Professor Senning received his bachelor's degree at Western Union (now Westmar) College, Iowa, in 1908. His graduate work was done at the University of Chicago, Yale University (where he held a fellowship), and at the University of Illinois where he received the doctorate in 1924. After teaching at Illinois College and at Wesleyan University (Connecticut), he joined the faculty of the University of Nebraska, where he remained until his retirement in 1952.

Professor Senning's principal professional interests were in the fields of public administration and the legislative process. A vigorous classroom teacher, he brought to his work a genial personality which earned him the affection of several generations of students. He kept constantly in touch with public affairs and maintained to the end of life a zeal for the improvement of governmental processes. His professional colleagues recognized him by

election to the Executive Council of the American Political Science Association in 1927, while his fellow citizens in Nebraska frequently sought his counsel. He was a member of the preliminary survey commission for the state constitutional convention of 1919-20, of the Interstate Crime Commission from 1935 to 1941, and of the Regional War Labor Board from 1943 to 1945. One of his principal interests was the unicameral legislature of his state. Professor Senning was one of the small group that drafted the constitutional amendment providing for that reform; he was active in the campaign to secure its adoption by the voters, and advised the last bicameral legislature in drafting the necessary redistricting statute. In 1937 he published *The One-House Legislature*, the only full-length treatment of the subject. At the time of his death he was serving his second six-year term on the Lincoln Board of Education, was a member of the city's recreation board, and chairman of the city-county building committee.—LANE W. LANCASTER.

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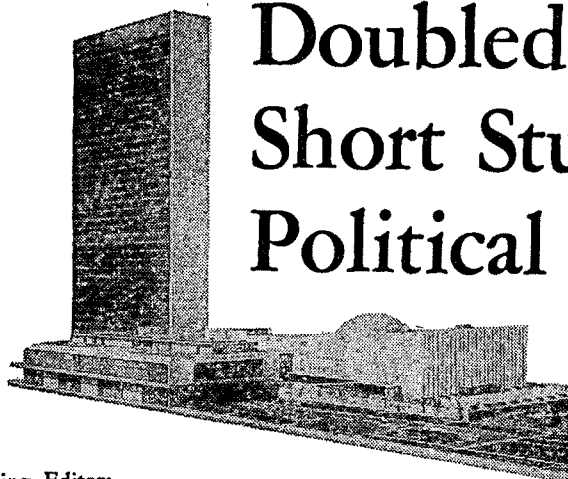
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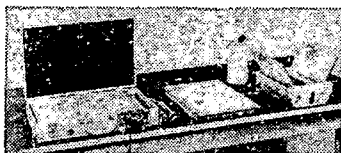
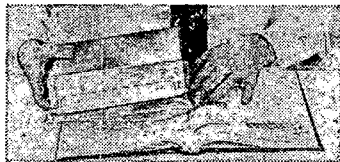
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BIFUNCTIONAL RIVALRY AS AN ALTERNATIVE TO TWO-PARTY COMPETITION IN LOUISIANA*

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As the panacea for their political ills, Southern states frequently have been counseled to develop competitive two-party systems. Presumably the very demonstration of the superiority of the bipartisan system in itself would go a long way toward achieving that desideratum. Not the least of the unhappy consequences of this uncritical approach was the accompanying tendency to lump non-two-party Southern states into the single category of "the one-party South." Fortunately, the rich diversity of Southern political processes recently has been uncovered and subjected to systematic analysis.¹ For those states of the South which lack an effective opposition party, it has been shown that Democratic politics runs the gamut from multifactional chaos to a structured and disciplined bifactionalism. Louisiana is properly classified in the latter camp, which attests to at least some beneficial by-products of charismatic demagoguery. In the absence of any reasonable expectation of the imminent rejuvenation of the Republican party in Louisiana, a realistic appraisal of the state's politics must eschew exhortation and concentrate upon an empirical examination of the operation of Democratic bifactionalism.

This paper proposes to examine the extent to which Louisiana's bifactionalism has given durable structure and meaning to its state and parish (county) politics and the degree to which it approximates the workings of a two-party system. The analysis is limited, however, by the fact that no systematic investigation as yet has been undertaken which attempts to measure the extent to which the assumptions and claims made on behalf of the two-party system in the United States have been realized in the actual operation of the varieties

* This paper constitutes a section from a larger work on recent Louisiana politics currently under preparation by the writer.

¹ V. O. Key, Jr., *Southern Politics in State and Nation* (New York, 1949), has been of considerable methodological and substantive value to the writer in this study. Although the analysis here in part disagrees with some of Key's findings on Louisiana (and corroborates some of his findings also), this paper aims generally at extending the analysis of Louisiana bifactionalism deeper and further than Key's broader concern with many Southern states permitted him to do.

of competitive party politics existent. It would follow that some of the general conclusions reached here on the *relative* inadequacies of Louisiana's bifactionalism are tentative and subject to re-evaluation subsequent to further analyses of the politics of two-party states.

I. THE STRUCTURE AND MEANING OF LOUISIANA'S BIFACTIONAL RIVALRY

The structure and meaning of recent factional politics in Louisiana owes much, but not all, to the commanding figure of Huey Long. At least two aspects of pre-Long politics deserve particular mention. The first is the observation that while Huey Long stamped state government with the unique brand of his genius and temperament, he rose to office and grasped power within the Louisiana tradition of latent class conflict. Nineteenth-century Louisiana witnessed the development of class antagonisms which, however muted by the ignorance of poorer whites, the popular acceptance of the planters' creed, and the imperative of racial unity, clearly were observable during the political crises of secession and Populism.² Viewed in historical perspective, Longism represented the third major attempt of the rural "have-nots" to challenge the supreme alliance of rural planters and urban business and upper-class interests.

Pre-Long politics also evidenced a considerable degree of organization as well as the development of the materials for bifactional conflict. The controlling force in state politics before the entry of the Kingfish (Huey's self-styled sobriquet) was the Democratic machine of New Orleans, more familiarly known as the "Ring," the "Choctaws," or, after a factional tiff in the early 1920's, the "Old Regulars." The prominence of Orleans in state politics was the natural product of its number of voters (about 20 per cent of Louisiana's people lived in New Orleans and usually the city's share of the total vote cast in the various statewide elections was considerably higher than that proportion) and of the size of its delegations to the General Assembly and the Democratic State Central Committee (Orleans was apportioned its fair share of seats in both of those representative bodies; the smaller urban areas of the state were discriminated against). The dominance of Orleans in state politics, however, was a consequence of the city's dependence upon and vulnerability to the actions of the governor and the state legislature. In the absence of constitutional home rule provisions, the first line of self-defense for the Choctaws lay in the election of and the maintenance of friendly relations with non-hostile state officers and legislators. However reluctantly propelled into the arena of state politics, the Ring injected elements of durable organization into the factional process and directed its efforts at both the city and the state level to the promotion of conservative interests. Businessmen were the city allies of the Ring; Delta planters and varied courthouse groupings were its state allies. Choctaw rule thus continued the pattern of upper-class control of politics. In the running battle between city and country the Ring emerged most frequently as victor, but its control of public policy helped to create the

² See R. W. Shugg, *Origins of Class Struggle in Louisiana, 1840-1875* (Baton Rouge, 1939), for an able interpretation and documentation of this theme.

reservoir of intense dissatisfaction which Huey Long tapped in his rise to power and which ultimately brought about the humbling of the city machine itself in 1935 and again in 1950.

To Huey Long, though, must go the lion's share of the credit for the pervasiveness, durability, and substantive meaning of recent Louisiana bifactionalism. The easy characterization of Long as "just another Southern demagogue" obscures far more than it clarifies. Unlike Bilbo or Ben Tillman, Tom Watson or Talmadge, Huey Long did not indulge in "nigger-baiting," nor did he stoop to echo Tom-Tom Heflin's diatribes against the Pope. With reference to the resentments and frustrations of their class backing, all Southern demagogues performed at least—but many at most—a cathartic function. Pappy O'Daniel and Gene Talmadge posed as neo-Populist rebels only to effectuate opposite policies. Talmadge jettisoned the New Deal because it went too far; Long ostensibly because it did not go far enough. Nor did the man who dangled the lure of Share-Our-Wealth before a depression-panicked national audience change his colors, chameleon-like, when in his home state of Louisiana. The brazen political dictatorship which Huey constructed and ran should not hide his substantial accomplishment of keeping some of his promises of lower-class benefits. The Kingfish was a free-spending, heavy-taxing, direct actionist, who had little in common with the other Southern leaders with whom he is so frequently linked.

That Huey Long did more than merely bait the corporations and the urban areas, the "better elements" and the professional politicians, marked him as a legitimate heir of the suppressed dirt-farmer movements in Louisiana history. Crushed as Populists and untouched by the urban progressivism of Wilson, the rural poorer whites found themselves voiceless until the entry of Long into politics. It is a measure of Huey's undeniable genius that he was able to arouse that rural following more intensively and durably than the Populists had done.

However marred by his lust for personal power, Long did arouse the interest and participation of masses of whites, and made them aware of the relevance of state politics to the settlement of their demands.³ Huey captured in his state the hitherto non-voting elements which the New Deal had attracted on a national scale. Such a change in the composition of the electorate by itself heralded a different content of politics than in the pre-Long days. More crucially, Longism itself set both the form and content of that later politics. The distracting appeals of localism and personality were reduced to minimal influence as the bulk of voters affiliated themselves, in a close approximation to the two-party system, with the two major factions, Long and anti-Long. Candidates for state offices and many of the candidates for Congress and for parish and local offices publicly proclaimed their loyalty to one or the other faction. Factional lines within the state legislature became firmly drawn; when combined with the customary majority support for the incumbent administration, this gave to Louisiana governors a control over legislation

³ For statistical verification of this fact consult Key, *Southern Politics*, pp. 523-24.

not equalled in most other Southern states. Huey's heavy-handed injection of realism into the content of state politics was carried forward by brother Earl (and to a far lesser extent by son Russell), so that the Long forces gained a continuity of headship normally denied to personal factions.

Longism thus was no flashing meteor of Populism, brilliant but transient. It aroused the politically quiescent have-nots and showed them unforgettably the total victory that was theirs for the balloting. It unified the fragments of politics—expectations, candidates, institutions—by means of one deeply-felt adherence, pro- or anti-Longism. It came closer to the salient issues of the day than had a raft of "good government" predecessors of Huey. The policy impact of Longism was strikingly attested to in the state office campaign of 1940, when the anti-Longs, despite the involvement of the Longites in the corruption of the "Scandals," saw fit to pledge liberal measures which, in toto, made Huey's performance eight years earlier appear conservative. After Huey was assassinated in 1935, to thousands of Louisiana voters the available political alternatives continued to be cast in the simple mold of "do-something" versus "do-nothing," "the people" versus "the interests." The persistence of the emotional loyalties and issues created by the Kingfish accounts in large part for the content and form of post-Huey politics in Louisiana.

II. BIFUNCTIONAL LOYALTIES OF THE VOTERS

The sound and fury of Longite politics had sufficient substantive meaning to provide Louisiana with a well-organized politics of rational interest-voting. Huey's program and performance vitalized state politics and created a conscious, persistent bifactionalism. The voting strength of the two major factions came from distinct groups, each of which displayed a continuity of political attitudes going back to the muted class conflicts of the previous century. The basic cleavages among the voters appeared to be closely related to the antagonisms between city and rural dwellers and to those between dirt farmers and wealthier planters.

The centers of Longite and anti-Long strength may be uncovered by summarizing the results of a quartile ranking of the vote in the 64 parishes of the state in the gubernatorial primaries (where bifactionalism is sharpest and turnout greatest) from 1928 through 1952. About 50 parishes may be classified as usually pro- or anti-Long in voting behavior. The Longite sections comprised the cut-over uplands of northern and west-central Louisiana and the eastern portion of the state known as the "Florida parishes," populated by relatively few Negroes and by many poorer white farmers. In addition, sparsely settled Cameron parish in the southwestern tip of the state and the bossed parishes of Plaquemines and St. Bernard in the southeast nearly always have supported Long candidates. Several of the sugar-growing parishes in south Louisiana also have backed the Longs, although not as intensively as the upland regions. The rural class support accorded the Longs may be observed most clearly in those parishes which contained both plantation and hill-farming lands. In both the upper Mississippi and Red River deltas, pro-Longism increased as the fertil-

ity of the soil decreased. In the northeast delta parishes, the influx of white farmers from neighboring states converted East Carroll and Concordia parishes to support of Long and diluted the anti-Long performance of Madison and Tensas. The political success of Longism thus lay in its ability to capture and reinforce the allegiance of those rural groups which twice before had embarked vainly upon a politics of protest.

The core areas of persistent anti-Long sentiment encompassed the major urban parishes,⁴ the plantation areas of the upper Mississippi and Red River deltas, West and East Feliciana, and most of the Sugar Bowl parishes. That even small-scale urbanism and anti-Longism went hand in hand may be shown by an examination of the voting behavior of wards containing the parish seats in 53 of the state's 64 parishes.⁵ Conservative urbanites thus were the allies of

TABLE I. THE PERSISTENCE OF ANTI-LONGISM IN LESSER URBAN AREAS: QUARTILE POSITION OF SUPPORT OF LONGISM OF FIFTY-THREE URBAN WARDS CONTAINING PARISH SEATS AMONG ALL WARDS OF THE STATE, IN SELECTED PRIMARY ELECTIONS, 1928-1952

Longite Candidate and Primary Election	Quartile Position			
	Highest	2nd	3rd	Lowest
Huey Long, 1928, Gov.	1	9	27	16
Earl Long, 1940, Gov., 2nd	4	8	19	22
Earl Long, 1944, Lt. Gov., 2nd	2	7	20	24
Russell Long, 1948, Sen.	3	4	13	33
Carlos Spaht, 1952, Gov., 2nd	6	10	17	20

Source: computed from *Compilation of Primary Election Returns of the Democratic Party, State of Louisiana*, issued by the Secretary of State, for the 1928, 1940, 1944, and 1952 elections, and from unpublished election data on file at the office of the Secretary of State of Louisiana for the 1948 election.

planters and well-to-do farmers in common opposition to Longism, a combination of political forces which continued the pattern of nineteenth-century politics.

The general pattern of urban antipathy to Longism should not obscure the fact that two urban groups, organized labor and the Negro, have tended to be pro-Long. Labor's claims of political power, however, contained more boast

⁴ Key, p. 178, cites Calcasieu parish, containing Lake Charles, as an apparent exception to the urban pattern of anti-Longism. An examination of the ward data, however, eliminates the exception. Ward 3 of Calcasieu, in which Lake Charles is located, fell in the third quartile (quarter) of support for Huey Long in 1928 and for Longite candidate Spaht in 1952, and in the fourth (lowest) quartile of support for Earl Long in the 1940 and 1944 runoff primaries and for Russell Long in the 1948 senatorial primary.

⁵ The major urban parishes of Orleans, East Baton Rouge, Caddo, and Jefferson and the bossed parishes of Plaquemines and St. Bernard have been omitted. In addition, the seats of the following parishes were not incorporated areas and therefore were omitted: St. Charles, St. James, St. John, Cameron, and Livingston.

than reality, while Negro voters, a new force in Louisiana politics, were loyal to the pursuit of certain group objectives rather than to the Long faction itself. The past Longite sympathies of neither group, therefore, guarantee an upsurge in Longite strength as urbanization, industrialization, and Negro voting increase.

III. PERSONAL FOLLOWINGS AND BIFUNCTIONALISM

Bifunctional politics, to approach the organizational influence of a party system, should tend to discourage personal and localistic candidacies for governor which are unrelated to the state's political dualism. Certainly there ought not to be room in Louisiana's bipolarized factionalism to permit an allegedly "personal" leader to deliver his allegedly "personal" following to the support of the gubernatorial candidate of his choice in the runoff primary. Yet experienced Louisiana politicians do compete for the backing of one or more of the lesser leaders who are eliminated in the first gubernatorial primary. And V. O. Key has concluded that "... some [Louisiana] leaders have a following that can, at least at times, be voted fairly solidly for another candidate."⁶ The question of the existence of transferable personal followings deserves the fullest exploration because of its crucial implications for the inadequacy of the one-party bifunctional system.

The runoff primary in the state campaign of 1940 affords a convenient starting point for analysis, since Key's conclusion was based upon an examination of that election. The 1940 state contest was conducted in the shadow of the Scandals, an unsavory episode in Louisiana politics which exposed many of Huey's successors as being too prone to share the people's wealth. The gubernatorial candidate of the Long organization, which was being buffeted by federal and state investigations and prosecutions, was Earl K. Long. James A. Noe, a Huey Longite on the outs with Huey's heirs since 1935, and instrumental in uncovering wholesale corruption in high places in 1939, appealed to the pro-Long elements disgusted by the Scandals. The entrant of the reform anti-Long forces was Sam H. Jones, while the fourth serious candidacy was that of James H. Morrison, a political newcomer with some localized strength in the eastern Florida parishes, who ran on an anti-Long platform. Long (226,385 votes) and Jones (154,936) made the runoff, and in the interim between primaries Noe (116,564) declared his support of and actively stumped for Jones. In the second primary Jones defeated Long, 284,437 to 265,403 votes.

The runoff primary distribution of Noe's first primary vote may be gauged by isolating those wards in which Noe received more than 30 per cent of the first primary vote and Morrison and Moseley (a fifth non-serious candidate) together received less than 3 per cent of that vote. Twenty-eight wards from 16 parishes, located largely in north Louisiana, the section of Noe's greatest support, meet the standards indicated. Nearly all the wards were strong pro-Long districts; 25 of the 28 supported Huey's bid for the United States Senate by more than 60 per cent of the ward vote back in 1930. In addition,

⁶ Key, p. 173.

each of the wards listed in Table II cast more than 200 votes in the 1940 first gubernatorial primary.

On the reasonable assumption that a minimal number of Long and Jones supporters changed their votes in the second primary, a reading of the mean figures in the foregoing table leads to the conclusion that about 73 per cent of Noe's following transferred their votes to Jones in the runoff, and the pro-

TABLE II. THE TRANSFERABILITY OF PERSONAL FOLLOWINGS: THE DISTRIBUTION OF NOE'S FIRST PRIMARY VOTE TO LONG AND JONES IN THE SECOND PRIMARY, 1940, FOR SELECTED WARDS

Parish	Ward	Noe's % of First Primary Vote	Increased % of Ward Vote in Runoff over First Primary (% Vote in Runoff Minus % Vote in First Primary)	
			Earl Long	Sam Jones
Caldwell	8	59.3%	24.3%	36.4%
Catahoula	3	51.7	24.5	29.5
Jackson	5	50.5	17.2	36.0
Evangeline	5	48.0	11.0	38.1
Jefferson	6	46.2	6.3	40.7
Avoyelles	5	45.6	11.6	36.0
Winn	10	45.2	16.6	30.2
Grant	8	43.4	11.9	33.7
Webster	1	42.9	20.0	23.6
Rapides	10	40.1	8.6	34.2
West Carroll	5	39.9	12.0	30.2
Winn	8	39.4	1.6	39.4
Avoyelles	1	38.8	12.2	27.3
Bienville	7	37.7	12.5	27.5
Jackson	1	37.5	7.5	32.8
Evangeline	1	37.4	5.7	32.9
Allen	3	37.3	11.3	27.4
West Carroll	4	36.2	9.3	29.5
Beauregard	5	35.4	11.6	25.7
Avoyelles	4	34.7	10.0	25.7
West Carroll	1	34.1	8.0	27.8
Winn	9	33.9	6.8	28.4
Rapides	5	33.3	10.8	23.8
Morehouse	10	32.8	7.6	27.7
Avoyelles	7	32.3	5.1	29.0
Red River	7	30.8	11.8	21.8
Grant	3	30.7	4.4	28.4
Rapides	11	30.3	12.6	18.8
Mean		39.5%	11.2%	30.1%

Source: computed from *Compilation of Primary Election Returns of the Democratic Party, State of Louisiana*, issued by the Secretary of State, for the 1940 gubernatorial election.

Jones direction of the vote was common to each ward analyzed. Before conclusions on the existence and deliverability of personal factions may be reached, however, it must first be ascertained whether the Noe voters, most of whom were Longites in previous elections, supported Jones because of Noe's leadership or for some other reason.⁷ An analysis of the runoff distribution of Morrison's first primary vote (48,243) throws considerable light on that problem. Table III includes all wards which gave Morrison more than 40 per cent and

TABLE III. THE TRANSFERABILITY OF PERSONAL FOLLOWINGS: THE DISTRIBUTION OF MORRISON'S FIRST PRIMARY VOTE TO LONG AND JONES IN THE SECOND PRIMARY, 1940, FOR SELECTED WARDS

Parish	Ward	Morrison's % of First Primary Vote	Increased % of Ward Vote in Runoff over First Primary (% Vote in Runoff Minus % Vote in First Primary)	
			Earl Long	Sam Jones
Ascension	10	62.6%	19.4%	48.6%
St. James	8	60.2	20.8	40.8
St. James	1	60.0	14.9	49.0
Livingston	6	56.8	19.5	43.2
St. James	2	55.6	19.0	40.8
Pointe Coupee	5	50.2	1.1	53.8
Pointe Coupee	7	49.5	7.4	44.9
St. James	9	47.8	17.0	34.1
Lafourche	6	47.1	11.8	39.3
St. Charles	4	44.1	16.2	33.8
St. John	4	43.7	11.8	37.7
Terrebonne	7	43.6	9.8	37.9
St. Charles	2	43.5	13.0	36.4
Terrebonne	5	42.4	7.0	39.2
St. John	5	42.2	13.4	33.0
Mean		50.0%	13.5%	40.8%

Source: computed from *Compilation of Primary Election Returns of the Democratic Party, State of Louisiana*, issued by the Secretary of State, for the 1940 gubernatorial election.

Noe and Moseley combined less than 6 per cent of the vote cast in the first primary of 1940. Of the 15 wards, located in eight parishes, all but one gave Huey Long more than 60 per cent of the ward vote cast in the senatorial campaign of 1930. In Table III, as in the previous table, all wards chosen cast over 200 votes in the first primary.

Campaigning on an anti-Long platform, Morrison secured the support of many voters in the Florida parishes and neighboring areas who had been

⁷ Using parish voting data and a somewhat different statistical technique, Key, pp. 174-75, also concluded that Jones secured the bulk of Noe's first primary vote. Key's mistaken inference from that finding came from failing to probe further in the manner undertaken in the text above.

Longite direction of Morrison's vote held constant for each of the wards examined.

The degree of deliverability of a personal following in recent Louisiana politics has been subjected to three tests: anti-Jones LeBlanc (1944) and Long-

TABLE V. THE TRANSFERABILITY OF PERSONAL FOLLOWINGS: THE DISTRIBUTION OF MORRISON'S FIRST PRIMARY VOTE TO LONG AND JONES IN THE SECOND PRIMARY, 1948, FOR SELECTED WARDS

Parish	Ward	Morrison's % of First Primary Vote	Increased % of Ward Vote in Runoff over First Primary (% Vote in Runoff Minus % Vote in First Primary)	
			Earl Long	Sam Jones
Livingston	5	82.1%	66.8%	16.1%
Ascension	10	74.0	54.3	22.5
Livingston	6	72.3	61.0	15.3
Livingston	10	71.4	65.2	8.5
Tangipahoa	6	70.5	58.7	15.8
Livingston	3	70.2	60.8	12.9
Livingston	4	68.7	61.2	11.6
Tangipahoa	8	61.0	54.5	10.0
Iberville	8	60.7	58.5	7.1
Lafourche	6	58.6	46.1	14.6
St. Tammany	6	58.6	49.6	12.2
Livingston	8	58.0	44.2	18.7
Tangipahoa	5	56.4	51.0	10.1
St. John	6	54.5	53.6	5.2
Iberville	5	46.1	37.1	13.2
Ascension	2	31.1	34.7	1.2
Ascension	1	30.7	30.2	3.7
St. James	8	30.1	30.8	2.8
<i>Mean</i>		58.6%	51.0%	11.2%

Source: computed from *Compilation of Primary Election Returns of the Democratic Party, State of Louisiana*, issued by the Secretary of State, for the 1948 gubernatorial election.

ite Morrison (1948) could not commit their first primary supporters to anti-Longism, while defecting Longite Noe (1940) merely activated defecting Longite voters in a natural anti-Long direction. The bifactionalism bequeathed by Huey Long to the state of Louisiana is too pervading to permit the existence of many purely personal followings. While the open Democratic procedures of the

rison's vote (68,502 of 101,754 votes) came from parishes other than Orleans. It should be noted that Table V consists entirely of non-Orleans wards, the voting behavior of which provided the finding that Morrison's first primary vote was distributed four-to-one for Earl Long in the runoff. Because of the dominant influence of the Old Regulars in city politics, no wards from New Orleans have been included in any of the tables in this paper.

first primary invite the entrance of candidates other than the leaders of the two major factions, and "native-son" voting is not uncommon in the first primary, such candidacies are offered always with reference to bifactional politics: e.g., Noe ran on an anti-Long plank, Morrison as a Longite, and LeBlanc on an anti-Jones platform. Such third candidacies are those of competing Longite and anti-Long leaders, each of whom commands some local following in support of his personal and *factional* candidacy, a candidacy which represents persistent issues and attitudes over and above the attraction of personality. Indeed the phrase "third candidacies" is quite misleading, for the purpose of the first primary is precisely to determine which of the rival factional leaders commands majority allegiance within each of the two major factions. It should not be overlooked that Louisiana's first gubernatorial Democratic primary apparently produces leaders of two opposing political groups no less regularly than do the party primaries in two-party states.

What are the comparative strengths of the competing pulls of personality and faction? In common with a two-party system, Louisiana's bifactionalism permits some play for personal loyalties, e.g., Morrison is assured of some votes on a "friends and neighbors" basis regardless of whether he supports either or neither of the dominant factions. Such a truly personal following is, however, of minimal proportions because of the greater concern with faction. Thus Morrison could not expect to attract anything like the same sources of localistic (Florida parishes) support in the same degree irrespective of whether he allied himself with or against the Longites. When Morrison is pro-Long, many pro-Long voters in the Florida parishes will go along with native-son Morrison in the first primary rather than with a rival Longite candidate from another part of the state; proportionately much fewer of the anti-Longs in the region will do so. Loyalty to the person of Morrison, far from being unconditional and blind, is conditional upon a more basic commitment to the factional system itself. Morrison's supporters, in 1940 and in 1948, consonant with their primary allegiance to faction, moved consistently in the same factional direction in the first and second primary in bland disregard of the opposite factional tack taken by their "personal leader." Noe, in 1940, by asking his supporters to vote in the second primary for the candidate most of them were going to support anyway, merely created the illusion of a following both personal and deliverable. However, LeBlanc's performance in 1944 deviated somewhat from this pattern, thereby implying that his was a more likely example of personal leadership than that of Morrison or Noe. But, in contradiction to LeBlanc's unifactional endorsement in the runoff primary, his first primary supporters split almost evenly for both factions.

The practical conclusions for state politicians are obvious: neither Noe nor Morrison had true personal followings at all, and LeBlanc had but limited influence over his Cajun supporters.⁹ There would be considerably less clamor

⁹ It would be relevant to note that reputed "personal leadership" virtually vanishes when the leader himself is not a candidate: e.g., in the 1952 first gubernatorial primary, while non-candidate James Morrison stumped for reform candidate Hale Boggs, the Florida parishes went overwhelmingly for reform candidate Robert Kennon.

in Louisiana about the frequency and evil of second primary "sell-outs" if it were realized clearly that no leader to date had anything much to sell. The broader implication of the foregoing analyses is also clear: the fact that the run-off primary influence of the losing candidate in the first primary is overshadowed by the orientation of his followers towards the bifunctional system supports Louisiana's claim to possession of something like a two-party system.

IV. THE OPERATION OF THE TICKET SYSTEM

Extensive employment by the major factions of the "ticket system," Louisiana's equivalent of party slates, together with a cohesive bifunctionalism and the dominance of the governor in state politics, comprise the three distinctive traits of Louisiana's Democracy as contrasted with the rest of the one-party South. All three characteristics are interdependent, and have been interacting to create a facsimile of a smoothly operating two-party system. Louisiana governors, for example, possessed no unique formal powers, yet, unlike many other Southern governors, they usually were undisputed masters of both the bureaucracy and the legislature. The explanation lies in the Longite development of a disciplined bifunctional politics and in the Longite intensification of the use of the ticket system in state and parish politics. The pervasiveness of the ticket system preserves the logical structure of bifunctionalism for the voter and provides some of the cement of factional unity underlying legislative and administrative cooperation with the governor. Joint factional candidacies have been the rule in recent Louisiana state politics; every candidate is not for himself alone. At the state office level, serious contenders for the nine elective posts affiliate with one or more of several state slates, campaign together, and present their candidacies as a ticket unit to the electorate. Many of the candidates for state legislative posts and for parish offices see fit to align themselves publicly (and many more privately) with a state ticket and, on occasion, state bifunctionalism penetrates to the ward level of police jury contests.¹⁰ A detailed analysis of the Louisiana ticket system, therefore, should illuminate the factional base of gubernatorial power and provide some answers to the question of how closely bifunctionalism approaches the workings of a two-party system.¹¹

The State Ticket System. The practice of state office candidates campaigning jointly on public slates antedated Huey Long, and most probably originated in the early days of the Choctaws, who created the state ticket they supported and forced their opponents to adopt some sort of counter-slate. Many potential candidates for state offices sounded out the Orleans city machine before deciding whether or not to run, and the Choctaws created the equivalent of a state ticket by their endorsements of candidates for each state office. Before the Kingfish, however, ticket campaigning and ticket voting were confined largely to the Orleans area. The 1932 state primary marked the first time that a

¹⁰ A police jury is the governing body of a Louisiana parish (county).

¹¹ The analysis is based, for the most part, on an extensive questionnaire, interview, and research project on the ticket aspects of the 1948 and 1952 gubernatorial primaries undertaken by the writer.

full state ticket campaigned as a unit in the country parishes, i.e., outside of New Orleans. Since 1932, all major candidates for state office have run on state tickets.

The utility of the ticket device to the parties concerned is clear. From the point of view of the gubernatorial candidate, a state ticket offers him the opportunity of broadening his appeal to all sections of the state through the skillful creation of a "balanced" slate which adequately recognizes the politically-relevant diversity within the state, e.g., the customary running mate of a north Louisiana Protestant gubernatorial candidate is a south Louisiana Catholic for lieutenant governor. From the perspective of a lesser ticket member, no matter how large he believes his personal following to be, an alliance with a major faction provides him with the statewide organization indispensable to a serious candidacy. It is not uncommon, however, for some state tickets to be "bob-tailed," i.e., not to include an affiliated candidate for every one of the nine statewide offices, and for some to include candidates for lesser state office who are also endorsed by another rival ticket. For all the participants on a ticket its core value is monetary: each candidate secures the benefit of a fully-organized campaign at cut-rate prices.

A state ticket is in reality a gubernatorial ticket, since the candidate for governor both heads and dominates it. It is an "Earl Long ticket" or a "Sam Jones ticket" that is presented to the voters. The affiliated candidates devote much of their oratory on the stump to urging support for their gubernatorial ally and for the full ticket, and often have little of substance to say on their own behalf. The latter situation is particularly true for certain of the elective posts: e.g., what can candidates for Auditor, Treasurer, and Register of the State Land Office publicly pledge by way of dramatic, winning appeal? A frequent complaint of Louisianians is that the ticket organization of candidacies at times allows the poorly qualified to secure office on the coattails of the governor, but that defect is more than counterbalanced by the heightened possibility of a rational politics through use of the ticket device.

The degree to which the state ticket system injects order into one-party politics is ultimately a function of the behavior of individual voters. In Key's informed judgment, "In Louisiana . . . the voters mark a straight ticket about as consistently as they do at a general election in a two-party state."¹² Ticket voting is, naturally, strongest in the runoff primary when the number of factional slates is reduced to two, and is considerably weaker in the more bewildering melee of the first primary.

Generally, the chances of success are slim for an "independent" candidate without a place on a major state ticket. On the other hand, affiliation with a losing ticket sometimes may be overcome, particularly by long-time incumbents of lesser state posts running for re-nomination who have personal friendships over the state, e.g., Harry Wilson as Commissioner of Agriculture, T. H. Harris as Superintendent of Education, Lucille May Grace as Register of the Land Office, L. B. Baynard as Auditor, and A. P. Tugwell as Treasurer.

¹² Key, p. 170.

However, these "personal followings" provide no exception to the previous analysis of deliverable followings, for they are non-transferable and, moreover, evaporate when the veteran incumbent ambitiously seeks the highest state office. For example, Miss Grace, running for governor in 1952, polled 4,832 votes. Continued re-election to lesser state office has not been the route to the Executive Mansion. Hence the system of state tickets dominated by gubernatorial candidates provides some basis for post-election gubernatorial control over the elective department heads.

Affiliation with a State Ticket by Local Candidates. The issues of tremendous popular concern put forward by Longism, together with the deep penetration of state politics as practiced by the Kingfish, argued for a non-divorcement of local politics from state bifactionalism. A provision of the state primary election law encouraged state tickets and local candidates to enter some sort of working agreement to insure adequate poll-commissioner representation for each. Under that provision only candidates for local offices could submit the names of poll commissioners and watchers for the first primary; their selection for the second primary was controlled by both the gubernatorial and the local candidates participating in the runoff.¹³ Affiliation with a state ticket by a local candidate satisfied the former's need for grass roots organization and enabled the latter to meet more easily the financial costs of campaigning. Such utilitarian pressures appear to be at the heart of the extension of the state ticket into parish politics.

There seems to be a sectional pattern to the practice of parish candidate alliance with a state ticket. Public affiliations are confined largely to Catholic south Louisiana, where high rates of illiteracy enhance the strategic role of poll commissioners and where politics is so highly organized that running for parish and ward offices on local tickets is traditional.¹⁴ In north Louisiana the tie-ups between local candidates and a state faction, though not uncommon, are less frequently publicized.¹⁵ Like the consumption of liquor, perhaps, the action is

¹³ *Revised Statutes of Louisiana, 1950*, Title 18, Chapter 2, Sections 340, 357, 358. Poll commissioners were particularly useful to candidates because they were entitled to assist illiterate voters (now forbidden by Act 309 of 1952) and physically disabled voters in the polling booth. The system forced gubernatorial candidates, in order to secure fair representation of election-day personnel in the first primary, to make overtures to local candidates who controlled the selection of such personnel. The significance of this power may be gauged by the following form letter issued under the name of Earl Long and dated January . . . , 1940: "Dear Mr. . . . : I am glad to note that you were drawn as an Election Commissioner. I am sure that you realize the heavy responsibility that rests on your shoulders. Anything that you can do to see that I get a square deal in this election will be appreciated and remembered. If I can render you any assistance, do not hesitate to call on me."—Wisdom Collection of Long Materials, Howard Tilton Memorial Library, Tulane University, New Orleans.

¹⁴ Most, though not all, of the parishes in which legislative candidates aligned with a state ticket in 1952 had a firm tradition of local tickets. The sheriff usually heads a local ticket, and its rationale again lies in the practical benefits accruing to each of the participants.

¹⁵ The author's data indicate some exceptions: Union, Catahoula, Rapides, St. Helena, and Livingston parishes had both public local tickets and open local candidate alignment in either or both 1948 and 1952.

concluded behind barn doors. Factional leanings of local candidates are often known anyway, particularly in those parishes whose bifactional preferences have been quite definite. For example, in the "independent" parish of Caddo, which contains Shreveport, the majority of legislative candidates in the 1952 primaries were "known" to be anti-Long although there were no local tickets and only one local candidate publicly affiliated himself with a state ticket.¹⁶ The situation is the same in Longite strongholds, for example, Red River parish, about which an informant related, "A majority of the local candidates are Long supporters, but with few exceptions, none have been backed by a state ticket." In most cases the factional preferences of local candidates are common knowledge, at least to the political insiders if not to the public at large, a conclusion attested to by the following replies to the writer's questionnaires with regard to the 1948 and 1952 state office primaries sent to selected parish officials.

East Feliciana, 1948. "There were no public alignments of local candidates with state factions. . . . Of course, several candidates were known to have belonged to certain state factions, but they all ran for office on the public theory that they were independent of factionalism."

Ouachita, 1948. "None of the candidates were publicly aligned with state tickets or other local candidates. (We do not have local tickets.) Of course there were candidates in different races who were encouraged by local leaders of state tickets to enter respective races. This was not generally known to the public."

Tensas, 1948. ". . . not any of the local candidates . . . were aligned with any of the State candidates. In some instances it was generally known that several of the Parish candidates were against the administration at that time, or were for the administration at that time, but they were not aligned in any manner with respect to posters, ads, or tickets."

Lincoln, 1952. "There were numerous secret alliances but for some reason the 'local ticket' practice prevailing in many Louisiana parishes has never . . . been employed in this parish."

The clearest factional guideposts to the voter obviously are provided by the non-secret alliances between state tickets and local candidates. Several examples of forthright public endorsements of state tickets by parish office seekers may be cited.

We, the undersigned, do hereby certify that at a caucus held in the office of the Governor, Sunday, October 13, 1935, the above-named candidates for parish and district offices [in Pointe Coupee parish] did agree and pledge themselves to support all candidates on the Long-Allen state ticket, and did further agree and pledge themselves to support each other for parish and district offices. . . .¹⁷

In his political advertisement as candidate for coroner, East Baton Rouge parish, in the 1944 primary, Dr. F. U. Darby stated:

My politics are not secret. I am supporting Jimmie H. Davis for Governor and am a candidate on the Parish Ticket.¹⁸

¹⁶ An informant related that in the 1952 runoff primary Kennon headquarters in Shreveport would suggest to the inquiring voter support of designated candidates for the state legislature none of whom had affiliated publicly with the Kennon ticket.

¹⁷ *Pointe Coupee Banner*, Nov. 21, 1935.

¹⁸ *Morning Advocate* (Baton Rouge), Jan. 16, 1944.

In his political advertisement for re-nomination as sheriff of Iberia parish in 1948, Gilbert Ozenne declared:

I have endorsed the candidacy of Earl K. Long for Governor. My opponent lacks the political courage to acknowledge that he was supported and endorsed by the Sam Jones faction. I solicit the vote and support of all qualified voters regardless of political affiliations.¹⁹

Affiliation is a two-way affair, so gubernatorial tickets also spread the factional word.

In a political circular distributed by the Louisiana Democratic Association, Longite Governor Leche began:

In order that the people of Louisiana may have correct information as to who bears the endorsement of the Louisiana Democratic Association in all second primaries, we the undersigned [the state ticket members] now make the statement that the following candidates for their respective (parish and local) offices have been endorsed. . . .²⁰

Reform candidate Sam Jones urged publicly before the 1940 first primary:

Wherever you have a Sam Jones candidate for either House or Senate be sure to vote for him. If it should happen that none of the candidates have endorsed me, vote for an anti-administration independent candidate. . . .²¹

Since the objective of the ticket system is to aid the candidacies of each of its co-participants, public endorsements between state tickets and local candidates tend to be delayed until after the first primary. Neither state nor parish politicians care to restrict their appeal to the following of one of many candidates or to gamble on who will make the runoff primary. These considerations are controlling in the case of wide-open parish and gubernatorial contests with a multiplicity of rivals. Conversely, pre-first primary alignments are common when one of the gubernatorial candidates seems likely to sweep the parish or when local incumbents are unopposed for re-nomination. Nevertheless, if as a general rule the state ticket affiliations of local candidates are not revealed until the interim between primaries, the commitments and arrangements between the two parties very often have been discussed, if not decided upon, before the first primary.²²

Many informants suggested to the writer another uniformity in the variety of parish candidate links with state politics, namely, that the "in" parish administration tended to align with the "in" state administration, while challengers of the parish incumbents tended to affiliate with major anti-administration state tickets. The proposition appears logical in that the state administration over the course of four years establishes working relationships with the

¹⁹ *Daily Iberian* (New Iberia), Feb. 23, 1948.

²⁰ Political circular in Conway Scrapbook of Huey Long Materials, Vol. 7, p. 95, Louisiana State Library, Baton Rouge.

²¹ *State-Times* (Baton Rouge), Jan. 12, 1940.

²² For example, according to information received by the author in Rapides parish in the 1952 primary, Boggs, Kennon, and McLemore (all anti-Long gubernatorial candidates) jointly and secretly backed three candidates for the House. Two of them made the runoff, and then were endorsed openly by Kennon.

courthouse cliques and maintains some disciplinary powers over local officialdom for the three months following the gubernatorial primaries, such as the enforcement of state anti-gambling laws, the supervision of tax assessments, and the like. On the basis of evidence gathered by the writer, however, this political rule of thumb appears to be in error. Since the sheriff is usually the leader of the parish organization, under the suggested rule the majority of sheriffs who affiliated with a state ticket in their races for re-nomination would have supported Jones in 1948 (the incumbent governor, Davis, was of the reform faction) and Spaht, the Longite candidate, in 1952 (Earl Long was governor from 1948-1952). A computation of the data contained in replies to the writer's questionnaires contradicts that suggested pattern (see Table VI).

TABLE VI. THE PATTERN OF AFFILIATION WITH STATE TICKETS BY SHERIFFS RUNNING FOR RE-NOMINATION, 1948 AND 1952 GUBERNATORIAL FIRST AND SECOND PRIMARIES

	1948 Primary	1952 Primary
No. of parishes in which sheriff ran for re-nomination	55	52
No. of sheriffs neutral in state contest	20	33
No. of sheriffs aligned anti-Long	6	5
No. of sheriffs aligned pro-Long	29	14

In the light of the utilitarian motivations for ticket alignments, the following interpretation seems most appropriate. Most sheriffs who affiliate publicly with state factions tend to align with the Longites. This may well be a passing phenomenon, since many of the sheriffs are veteran incumbents who have ties with the stable Longite leaders going back to the 1930's, and the Longs have been known for their skillful politicking in the country parishes. The general tendency noted is subject, however, to at least two major qualifications. Parish organizations are loathe to endorse state tickets unpopular in the parish or unlikely to win statewide in the runoff primary. In the 1952 primaries, the sheriffs were subjected to conflicting pressures for alignment with the result that many refused to affiliate openly with either state faction. While the sheriffs' actions suggest some of the inadequacies of the ticket system which next deserve comment, it might be noted that local candidates in a two-party state also have been known to remain discreetly silent when faced with a national or state party ticket unpopular in their district.

Limitations of the Ticket System. The penetration of local politics by the state ticket system does not carry with it an extension of the great issues of state politics: the contests for parish office are dominated by local matters. Most local candidates, even those publicly aligned with a state faction, restrict their campaigning to local issues. Of 55 contests for sheriff in 1952 on which adequate information was compiled by the writer, 48 were characterized as revolving largely around items of local concern. As a result, straight-ticket voting from governor on down through parish clerk of court occurs only in the very highly organized or bossed parishes, and it is not unusual for voters to support at the

same time a parish ticket and the state ticket it opposed. One south Louisiana sheriff informed the writer:

The [parish] ticket supported Spaht [the Long candidate] in both primaries [1952] and carried Spaht in both primaries. However, a number of staunch supporters of the parish ticket just 'couldn't see' Spaht and voted Kennon [the reform candidate]. This had no effect on the local issue. Local voters are either for or against [us] politically, but when it comes to state tickets, they vote how they please, with no effect on the local issues. . . . Voters are entirely free to choose their state candidates. . . .

In another south Louisiana parish, "La Vieille Faction" has controlled public office for more than 25 years and uniformly has supported Longite candidates at state primaries, yet the parish did not place among those high in support of Longism from 1928-1952.²³ As a final point, while state legislative candidates campaign more in the mold of state bifactionalism, the difference is not one of kind. Of the 55 House races in 1952 on which adequate data were obtained, 33 were confined to local issues, with state ticket alignment adjudged as having little to no influence on the outcome. Campaign tie-ups between the governor and legislators, then, account only in part for the later cooperation of a large majority of the Assembly with the governor.

V. AN APPRAISAL OF LOUISIANA'S BIFUNCTIONALISM

Bifactionalism and the ticket system have served, with considerable effectiveness, as Louisiana's substitutes for a two-party system. Unlike several sister Southern states, Louisiana's politics has not been characterized by a chaotic multifactionalism, by a bewildering succession of transitory state factions without continuity in program, leadership, or voter loyalty. Localism and a "friends and neighbors" influence have been reduced to minimal proportions within a polarized politics of pro- and anti-Longism. The voter is offered a meaningful choice between factions embracing alternative leaders and programs, while the victorious faction normally is assured of a working control of the administrative and legislative branches by which to effectuate its pledges made to the voters. Huey Long thus gave Louisiana a structured and organized politics, a politics that made sense.

Although vastly superior to one-party confusion, Louisiana's bifactionalism is considerably inferior to two-party politics, or at least to the claims put forward on behalf of the two-party system in the United States. A summary review of some of the major divergences will document that conclusion.

Louisiana's ticket system together with its bifactionalism has been adjudged by Key to " . . . more closely approach the reality of a party system than do the factions of any other southern state."²⁴ It is useful to an understanding of the

²³ So strong was La Vieille Faction's grip upon the parish that the quadrennial appearance of a rival slate was held to be motivated by the desire to control parish patronage in the event the anti-Longs should capture the governorship. If true, here would be a Democratic factional analogy to the role of the Louisiana Republican party prior to 1952.

²⁴ Key, p. 169. Key is correct in pointing out that Louisiana's bifactionalism fails to approximate, in absolute terms, a bipartisan scheme.

differences between the systems to point out that bifactionalism approached the organizational thoroughness of a two-party system only in the despotic days of the Kingdom of the Kingfish. The Louisiana ticket system as analyzed is neither cohesive nor penetrating enough to provide the basis for a permanent state factional machine on a par with stable party control—resort must be had to a control of parish governments and of election machinery and to high-handed attempts to extend factional dominance for longer than a single term of office, as indulged in by the brothers Long. The state ticket device permits no governor-oriented machine at the state level because of the hard fact that the governor, alone of the elective state officers, is not eligible for immediate re-election. On the parish level, selfish political considerations, not the friendly links between local officials and Longite leaders, determine the choice of ticket alignments. The fact that a parish organization supported Earl Long in 1940 will have some but not decisive weight in its decision whether or not to support him in 1944 or 1948. In times of stress, as in the case of Longite Spaht, who was soundly beaten in the gubernatorial contest of 1952, the hollowness of what passes for a durable Longite machine stands revealed. Courthouse groupings, therefore, provide no certain permanent local organization for any state faction, much less a solid political base comparable to the ward and precinct organization of parties. Every four years there is a wild scramble *de novo* by state tickets for parish candidate and local ticket support. The popularized notion of an Earl Long machine, therefore, does not square with the rationale and operation of the ticket system in Louisiana politics. These judgments have even greater validity for the anti-Long faction, which suffers from inability to maintain a grass roots organization in the period between quadrennial elections. Louisiana's experience raises the question of whether bifactionalism, in the absence of a functioning rival party, can ever hope to attain a quasi-party system without degenerating into factional dictatorship.

Apart from Huey's regime, the measure of the difference between bifactional and party schemes is the increasing fuzziness of the former as it extends beyond the arena of state office politics, as in the limitations of the ticket system already examined. No matter how lightly party attachments may be viewed, the labels in a party system give identification and some meaning to candidacies and thereby provide clarification for the voter. By contrast, Louisiana senators and congressmen often develop their own followings and are judged by the voters by standards independent of bifactionalism. For this reason senators often may "interfere" in state elections even to the point of changing, as Overton and Russell Long have done, their factional affiliation without much fear of electoral retaliation several years later. The late Senator Overton and Senator Ellender both traced their political lineage to close personal support of Huey Long, and yet, except for their original primary election, neither had serious difficulty in being returned to office. The political fortunes of Russell Long, Huey's son and Earl's nephew, illustrate the point. When running for his first political office to fill the unexpired term of the late Senator Overton in 1948,

Russell campaigned entirely in the context of bifactionalism since he was exclusively identified with Longism. Russell barely won office then, and the pattern of his electoral support and opposition was clearly in the bifactional tradition of state office politics. By 1950 Russell had broader appeal by virtue of his record in the Senate, and his bid for a full Senate term was rewarded by the support of 68.5 per cent of the votes cast and of all but one of the state's 64 parishes. In similar fashion bifactional linkage to presidential politics customarily has been weak, although the electoral pattern in the 1952 presidential election bore more than a casual relationship to state bifactionalism.²⁵

Notwithstanding the durability of Louisiana's two major factions, neither has established a stable and satisfactory process of recruitment of its leaders without reference to party primary battles. Years ago the Choctaws informally performed that function; the Long faction in 1932 and 1936, and the anti-Longs in 1940, also chose their standard-bearers before the first primary. But for the most part the fairly constant Longite and anti-Long groups are wooed by competing would-be leaders, as in 1944, 1948, and 1952. The determination of factional leadership by open competition in the primaries presents many serious problems, not the least of which is the frequent inability of natural allies to consolidate their forces in the brief five or six weeks following a first primary campaign in which they were railing bitterly at each other. Bandwagon pressure, by discouraging open affiliation between state and parish allies, also handicaps the effectiveness of the primary as the selector of factional leaders. For example, anti-Long parish candidates were reluctant to tie up with Jones in 1948, and many parish Longites similarly spurned alliance with Spaht in 1952. In the absence of the regularized path to leadership usually supplied by a party system, it has become almost traditional for Louisiana's governors and lieutenant governors to have a falling out during their term of office.

A final grave inadequacy of Louisiana's bifactionalism is that it produces less constancy on the part of factional chieftains than of the voters. Factional defection is not limited to politicians in control of their local bailiwicks, such as Leander Perez, veteran Longite boss of Plaquemines parish, who deserted the Longs in 1948 because of their coolness to the States' Rights movement. Major political figures like Noe, James Morrison, Overton, and LeBlanc have been on all sides of the factional fence. The cross-factional support accorded the gubernatorial candidacy of Hale Boggs in the 1952 primary rarely would be duplicated in a two-party setting: reform leaders ex-Governor Jones and Mayor Morrison of New Orleans, former Longites, though not (then or now) anti-Longs, Senator Russell Long and ex-Senator William Feazel, and sometime Longite Congressman James Morrison. Here again the very lack of party labels, i.e., of identification with and responsibility to a going political organiza-

²⁵ For a full analysis, see Rudolf Heberle and Perry H. Howard, "An Ecological Analysis of Political Tendencies in Louisiana: The Presidential Elections of 1952," *Social Forces*, Vol. 32, pp. 344-50 (May, 1954).

tion, makes loyalty to faction less rigid and demanding than loyalty to party.²⁶

A concluding word about the future of Louisiana politics may not be inappropriate. If Huey Long's class revolution of 1928 has run its course and therefore, as Boggs and Russell Long opined in 1952, "the time has come to forgive and forget old factional bitterness," then the basic task of Louisiana voters, that of identifying the Democratic rascals who should be unseated, will become increasingly difficult in the future. However defective, Louisiana's bifactionalism has injected clarity and order into the confusion of one-party politics. The gradual disappearance of that structuring influence should be looked upon with something less than optimism. For while it is certainly true that the stubborn factional cleavage within the state's Democracy could supply two different parties with their distinct core of policies and supporters, it does not follow necessarily that bifactionalism must or will develop into a two-party system.

²⁶ One finding from the data collected by the author bears directly on this point. In spite of the high degree of non-performance and even double-dealing engaged in by many of the parish candidates who affiliate with a state ticket, in only one case was an affiliate termed a factional deserter. In the situation referred to, a legislative candidate from a south Louisiana parish supported Longite Spaht in the first primary in 1952, made the runoff primary, and then "flopped" (as my informant put it) to support Kennon against Spaht in the gubernatorial runoff. Both the legislative candidate and Kennon failed to carry the parish.

SOVEREIGNTY AND DEMOCRACY IN THE JAPANESE CONSTITUTION

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Some revision of the present Japanese constitution probably cannot long be put off. Often referred to as the "MacArthur Constitution," it is open to the charge that it needs to be brought into accord with Japan's restored status of independence.

Although the immediate pressure for change is directed at the existing constitutional ban on rearmament, a more important change that can be anticipated will concern the position of the emperor in relation to the locus of sovereignty. This bears directly on the basic nature of the Japanese state, the central problem of the most bitter controversy in Japanese constitutional history. This problem, now dormant, is likely to be revived very soon, for the present constitution's treatment of the status of the emperor is highly vulnerable on substantive, procedural, and historical grounds.

The substantive grounds for the vulnerability of the present constitution's provisions concerning the emperor are the simplest to explain. The constitution proclaims that "sovereign power resides with the people"¹ and that "the Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power."² These are most explicit expressions of the doctrine of popular sovereignty, a doctrine completely alien to Japanese thought. Some Japanese thinkers had been intrigued by the Western doctrine of popular sovereignty, but until the appearance of the present constitution no one of any consequence had ever seriously considered that it would be applicable to Japan.

The essential nature of the Japanese state—designated as *kokutai*, or "national polity," in the jargon of Japanese political theory—has traditionally been considered to lie in the fact that Japan has been and shall be "reigned over and governed by a line of Emperors unbroken for ages eternal."³ Japan has traditionally been a theocratic-patriarchal state in which the emperor occupied the position of godfather. While this position differed from that of a god in the Western sense, the emperor did occupy in the eyes of the Japanese a position of unique pre-eminence which was considered to be ordained in the natural order of things and which therefore enjoyed divine sanction. The Meiji Constitution of 1889 accurately reflected the Japanese view when it declared that "the Emperor is sacred and inviolable"⁴ and that "the Emperor is the head of the Empire, combining in Himself the rights of sovereignty."⁵

To be sure, there has hardly ever been a time in all of Japan's history when

¹ Preamble, The Constitution of Japan.

² Chapter I, Article 1, The Constitution of Japan.

³ Chapter I, Article 1, The Meiji Constitution.

⁴ Chapter I, Article 3, The Meiji Constitution.

⁵ Chapter I, Article 4, The Meiji Constitution.

the emperor has actually ruled; he has simply been the fountainhead of authority. The actual exercise of authority has always been entrusted to, or usurped by, advisers who relieved the emperor of the risk of committing political mistakes incompatible with his sacred character. This assumption of responsibility by his advisers gave rise to the doctrine that the emperor must not act except in accordance with their advice. Nevertheless, the theoretical supremacy of the emperor was never challenged until the MacArthur Constitution of 1947. Thus, while this constitution only recognized an historical fact in characterizing the emperor as "the symbol of the State," it introduced an unprecedented idea in attributing sovereignty to the people.

The naturally-ordained supremacy of the emperor was not only a matter of political theory. It was buttressed by the entire social organization of Japan, whose systematic hierarchical structure logically calls for a capstone at the top. This social hierarchy is today undergoing rapid change, but it has not yet wholly disappeared. The functioning of this hierarchical machine requires a chain of authority extending from the apex to the bottom layer, and a chain of loyalty from the bottom layer to the apex. Even the complex lateral relationships within the layers of this pyramid are kept in order by their linkage to the clearly defined vertical relationship. In the case of such an integrated organization, in which each unit fits so neatly into its logically defined niche, the whole scheme appears to be ordained by the inherent nature of things. It is inconceivable that the capstone should owe its position to any free-will decision of the lower strata, for there can logically be no other choice.

Hence the doctrine of popular sovereignty with its implication of the social compact theory, as embodied in the present constitution, does violence to Japanese political theory and to Japanese social reality. A doctrine so out of keeping with the facts of Japanese life cannot hope to remain unchallenged.

There are procedural as well as substantive grounds for the vulnerability of the present constitution's provisions concerning the emperor. Had it been honestly acknowledged that a break with tradition was necessitated by new historical developments and justified by the changing character of modern Japanese society, the Japanese might have been prepared to accept the present constitution for what it was. But instead the Government resorted to a fiction which holds that there has been no essential change in the historic "national polity." Circumstances rather than design were undoubtedly responsible for this fiction, but it has placed the constitution in an untenably false position, from which it must sooner or later be rescued.

The first step in the procedure which led to this false position arose out of the circumstances of Japan's acceptance of the Potsdam Proclamation of July 26, 1945 as the basis for her surrender. One of the features of this Proclamation which appealed to the Japanese was the fact that it implied that the victorious Allies would not interfere with the institution of the emperorship.⁶ Desiring more specific confirmation of this point, however, the leaders of the Japanese

⁶ See Kazuo Kawai, "Mokusatsu, Japan's Response to the Potsdam Declaration," *Pacific Historical Review*, Vol. 19, pp. 409-14 (Nov., 1950).

Government, when drawing up their note of August 10, 1945 accepting the Potsdam Proclamation, intended to ask the Allied Powers for assurance that "the said Declaration does not comprise any demand which prejudices the *status of the Imperial Family*." However, at the insistence of Baron Kiichiro Hiranuma, president of the Privy Council, the note was changed at the last minute to ask for assurance that "the said Declaration does not comprise any demand which prejudices the *prerogatives of His Majesty as a sovereign ruler*."⁷ A notable legal authority with strong conservative leanings, Baron Hiranuma apparently recognized the complications that might arise from the slightest ambiguity concerning the sovereignty of the emperor.

The Allied answer to this Japanese request for assurance respecting the sovereignty of the emperor was highly ambiguous:

From the moment of surrender, the authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers, who will take such steps as he deems proper to effectuate the surrender terms.⁸

The ambiguity was obviously intentional. In order to induce the Japanese to surrender, the Allied Powers hoped to convey to them the impression that their request regarding the emperor had been granted. At the same time, in order to remain free to impose whatever changes in the imperial institution might later seem desirable, the Allied Powers carefully avoided making any definite commitment.⁹

This ambiguity posed a problem for the Japanese; the resulting controversy as to whether or not the Allied answer satisfactorily met their request for an assurance not only held up the surrender for approximately three days but even placed the surrender decision itself in serious jeopardy. The opponents of surrender argued that if the emperor were to be "subject to" the Allied Supreme Commander, his prerogatives would obviously be prejudiced. The advocates of surrender, however, argued that the prerogatives of the emperor would remain intact, since the exercise of his authority would be limited by the authority of the Allied Supreme Commander, only temporarily and then only insofar as necessary "to effectuate the surrender terms." The question was finally resolved by the emperor's arbitrary ruling that in his opinion the Allied terms did not prejudice his prerogatives as the sovereign ruler.¹⁰

This ruling overlooked the fact that the Potsdam Proclamation contained the statement that the Allied occupation forces would be withdrawn from Japan only after "there has been established, in accordance with the freely-expressed will of the Japanese people, a peacefully-inclined and responsible

⁷ Italics added. See Kazuo Kawai, "Militarist Activity between Japan's Two Surrender Decisions," *Pacific Historical Review*, Vol. 22, pp. 383-89 (Nov., 1953).

⁸ SCAP, *The Political Reorientation of Japan* (Washington, 1950); Appendices, p. 415.

⁹ See James F. Byrnes, *Speaking Frankly* (New York, 1947), pp. 206ff.

¹⁰ See Kawai, "Militarist Activity between Japan's Two Surrender Decisions." This interpretation was assiduously maintained in the emperor's historic radio broadcast of August 15, 1945 announcing the surrender, in the passage: "Having been able to safeguard and maintain the structure of the Imperial State, We are always with ye, Our good and loyal subjects."

government."¹¹ If the nature of the Japanese government, including the status of the emperor, was to depend on "the freely-expressed will of the Japanese people," obviously there was implied a fundamental shift in the locus of sovereign power from the emperor to the people. In the face of this clause in the Potsdam Proclamation, the Allied Powers could hardly have assured the Japanese Government that the emperor's prerogatives as a sovereign ruler would not be prejudiced. Thus the Allied answer, while misleading in intention, was correctly noncommittal in fact. The Japanese official interpretation was therefore made, not on the basis of fact, but as a matter of expediency, to facilitate the necessary surrender. By thus accepting the Potsdam Proclamation as the basis of the surrender, Japan had actually acceded to a fundamental change in her "national polity." This inconsistency between the official explanation and the actuality has plagued the government ever since.

The second aspect of the procedural vulnerability of the present constitution is to be found in the legal form followed in the adoption of the constitution. It is an open secret that the constitution was drafted in General MacArthur's headquarters and forced upon the Japanese Government, although the Japanese were subsequently permitted to make a few minor modifications before final adoption.¹² While it follows generally the organization of the Meiji Constitution, it is in substance an entirely new document bearing little similarity to the earlier one, particularly with respect to the status of the emperor. Yet in accordance with Allied policy and in continuation of the fiction adopted by the Japanese Government at the time it accepted the Potsdam Proclamation, it was maintained that the MacArthur Constitution was nothing more than an amendment of the Meiji Constitution initiated by the Japanese themselves.¹³ Accordingly, in the adoption of the MacArthur Constitution the regular procedure for the adoption of amendments as provided for in the Meiji Constitution was followed as closely as circumstances would permit.¹⁴ While such a pretense of legal continuity was calculated to contribute to the authority of the present constitution by surrounding it with an aura of legitimacy, in some ways it actually weakened its authority by permeating it with the odor of chicanery and unreality.

This weakness of the MacArthur Constitution was readily apparent to the members of the Diet. Before finally voting on it, they subjected the Government to a searching questioning as to whether it did not in fact alter the

¹¹ Department of State, *Occupation of Japan: Policy and Progress* (Washington, 1946), Appendix 3, pp. 53-55.

¹² See Harry Emerson Wildes, *Typhoon in Tokyo* (New York, 1954), pp. 38-50, for the most revealing recent account of the drafting of the constitution.

¹³ SCAP, *The Political Reorientation of Japan* (Washington, 1950), presents in two large volumes the official policy with respect to the handling of the problem of the constitution.

¹⁴ Some of the members of the Far Eastern Commission, notably the British, apparently felt that even the method which was followed did not provide for sufficient legal continuity in relation to the old constitution. See United Press dispatch from Washington in *Pacific Stars and Stripes* (Tokyo), August 30, 1946.

"national polity." The Government compounded the vulnerability of the constitution by giving less than honest answers, which trapped it further in the mire of contradictions.

At first the Government sought to soften the impact of the doctrine of popular sovereignty by making a euphemistic translation of the original English draft. The unlegalistic, literary quality of the Japanese language lent itself particularly well to such treatment. Thus, for example, the English original:

We, the Japanese people, acting through our duly elected representatives . . . do proclaim the *sovereignty of the people's will* . . . ¹⁵

emerged in an ambiguous Japanese form which, while not actually a mistranslation of the original, might also be translated back into English as:

We, the Japanese people, acting through our duly elected representatives . . . do proclaim *in accordance with the supreme will of the people* . . . ¹⁶

which, of course, has a different connotation.

The demand for blunt honesty made by members of the Diet finally forced the Government to produce a less ambiguous text, which was translated back into English as:

We, the Japanese people, acting through our duly elected representatives . . . do proclaim that *sovereign power resides with the people* . . . ¹⁷

and this was the form which appeared in the constitution as finally adopted.

But the Government next sought to interpret the word "sovereignty" in a special sense. Minister of State Tokujiro Kanamori tried to fend off embarrassing Diet interpellations by explaining:

The word sovereignty is used with various different meanings by different people. However, if it is considered in the sense of from whence the will of the State is actually derived—in other words, the actual source of the will of the State—we believe it would be correct to say that in Japan it is without doubt the entire people *including the Emperor*. . . .

If the word sovereignty is used to indicate the source of what may be regarded as the motive power of the actions of the State, then that source is the entire people *including the Emperor*. . . . The source of the will of the State is not the thinking of each individual. The will of the Japanese State is formed as the thinking of the tens of millions of our people combines and becomes organized. In other words, the substance of sovereignty lies in the *people as an organized entity, inclusive of the Emperor*. . . . The will of the State may be likened to that of a corporate body, to borrow a phrase often used by scholars, the idea being that the will of a corporate body is formed as it is linked with the will of each individual member.¹⁸

In other words, the people are sovereign, but "the people" means, not the people as opposed to the monarch, but the corporate body comprising all the

¹⁵ Draft Constitution of Japan, in *Nippon Times* (Tokyo), March 8, 1946. Italics added.

¹⁶ " . . . *kokoni kokumin shiko ishi ni sengen shi* . . . "

¹⁷ Preamble, The Constitution of Japan. Italics added.

¹⁸ Quoted in Kisaburo Yokota, "Sovereignty under the New Constitution," *Contemporary Japan*, Vol. 16, pp. 136-37 (April-June, 1947). Italics added.

individuals in the state, including the emperor. In such an organized corporate body, the emperor naturally stands at the apex. Thus the Government argued that popular sovereignty did not alter the traditional "national polity."

When many members of the Diet protested against this sophistry, the Government shifted its ground and resorted to still another sophistry which was inconsistent with the first. It admitted that there had indeed been a legal change, but insisted that it was a "mere" legal change. Historically, the emperor of Japan has been more a moral than a political ruler. Hence, the Government could assert with some show of plausibility that sovereignty in Japan is a moral, not a legal or political, concept and that the moral position of the dynasty, which is the essence of the "national polity," therefore remains intact.¹⁹

These arguments of course had little effect on the eventual adoption of the constitution, for the course of events was really dictated by the overriding argument of MacArthur's occupation army. But the obscurantism of the Government's tortured explanations served to confuse still further the authority of the constitution.

It is not correct to assume, as some critics have done,²⁰ that this equivocal character of the Government's explanations stemmed from a reactionary conspiracy to water down the democratic objectives of the Occupation-dictated constitution and to salvage as much of the authoritarian position of the emperor as possible. Quite to the contrary, some of the severest attacks upon the constitution as it came from MacArthur's headquarters were leveled by staunch liberals who had distinguished themselves in the difficult early struggles for the democratization of the Japanese government. The Government was sincerely anxious to get the necessary task of adopting the new constitution over with as expeditiously as possible, and to this end it was willing to use any argument that would serve to mollify the opponents of the constitution. To be sure, the Government clutched at fallacious arguments which confused its stand, but it did so in an attempt to defend the constitution, not to subvert it. This paradoxical situation will become clear when we examine the historical grounds for the vulnerability of the constitution.

Although in the past all Japanese, as we have seen, had accepted the sovereign authority of the emperor, the exercise of his authority had always been delegated to advisers who assumed responsibility for all official acts. The Meiji Restoration of 1868, which abolished the dual government of the Tokugawa Shogunate and restored unified government directly under the Throne, did not fundamentally alter this traditional delegation of the emperor's authority: it merely effected a change in the clique of advisers. Yet the Restoration was somewhat more than just a palace revolution. For although there was no mass movement, the new set of advisers owed their rise to power at least in part to

¹⁹ See Harold S. Quigley, "Japan's Constitutions: 1890 and 1947," this REVIEW, Vol. 41, pp. 867-69 (Oct., 1947).

²⁰ For example, W. Macmahon Ball, *Japan, Enemy or Ally?* (New York, 1949), Chs. 3 and 6, voices the suspicion that there was a deliberate plot on the part of the Japanese leaders to thwart the Occupation.

the upsurge of new economic and social forces which coincided with the influx of Western influence. These factors had to be given recognition in the new government. At the same time, the new set of imperial advisers, while motivated less by selfseeking than by belief in their own indispensability to the nation, were nevertheless anxious to assure for themselves as much power as possible.

The Meiji Constitution of 1889 was designed to meet these requirements. It sought to mollify the new social forces by conceding to them some of the trappings of representative government; it sought to satisfy Western standards of acceptability by setting up governmental institutions resembling in form those of the West. But it also sought to preserve and even to strengthen the oligarchic rule of the new group of imperial advisers. This it did by formalizing the exalted powers²¹ of the emperor in such a way that they had to be exercised by these advisers,²² who, being responsible only to the emperor whom they advised,²³ were in effect responsible only to themselves.

The Meiji Constitution, in other words, was rigged to safeguard the power of of the clique that had engineered the Restoration. But the very fact that a written constitution had been adopted at all provided an entering wedge for the democratization of the Japanese government. No one, of course, could directly challenge the fact that the emperor in his sovereign capacity had conferred the constitution upon his people. But it could be argued that the emperor had been constrained to grant the constitution in response to the pressure of the new social forces, which could no longer be ignored. It could also be argued that, extensive as the emperor's powers were, the fact that these powers were defined at all in the constitution signified that they were subject to limitations. Finally it could be argued that the emperor, by having granted a constitution that stipulated that his powers were to be exercised through duly constituted executive, legislative, judicial, and advisory bodies, was now himself bound by the provisions of the constitution.

The theoretical justification for this limitation on the exercise of the emperor's powers, and thus on the arbitrary actions of his advisers, was provided by the corporate theory of the state, which defines the state as a corporate entity possessed of a legal personality. Although this theory was derived from the German concept of the *Rechtsstaat*, which had been picked up by Japanese constitutional lawyers studying in Europe, it could easily be assimilated into the stream of Japanese thought, for it was quite compatible with the concept of the nation as an integrated organism inherent in the Japanese view of their theocratic-patriarchal state. It was thus much more acceptable to them than the doctrine of popular sovereignty, with its corollary—so completely alien to Japanese thought—of the social compact. At the same time the concept of the *Rechtsstaat*, while regarded as ultraconservative in the West, had liberalizing implications for Japan, for in a corporate state the emperor is not himself the state but is merely one of its components. The emperor is sovereign, to be sure,

²¹ Chapter I, The Meiji Constitution.

²² Chapter IV, Article 55, The Meiji Constitution.

²³ Preamble, The Meiji Constitution.

but only in the sense of being the bearer of sovereignty as an organ of the state. As such, the emperor, even though he is the supreme organ, cannot act arbitrarily, but can exercise his powers only in consonance with other organs of the state. This concept could lead logically to making the emperor's advisers responsible not solely to the emperor, and thereby responsible in effect only to themselves, but responsible also to such other organs of the state as the legislature.

The beauty of this "organ theory" (as the Japanese term it), of the emperor lay in the fact that it provided a *rationale* for the democratization of the Japanese government which, while not wholly indigenous, was nevertheless comprehensible to the Japanese in terms of their own ideological pattern. At the same time, it weakened the notion of the mystic uniqueness of the Japanese "national polity" by explaining the nature of the emperorship in rational, universalistic terms. It provided an unbroken bridge between tradition and modern democratic government over which the Japanese could advance under their own motive power.

The traditionalists naturally abhorred the "organ theory" as a heresy. A controversy between the two schools of thought was precipitated within the Law Faculty of the Tokyo Imperial University in 1912, when Professor Shin-kichi Uesugi, the chief disciple of the great traditional theorist Professor Yatsuka Hozumi, openly attacked Professor Tatsukichi Minobé, the principal exponent of the "organ theory." While the arguments brought forth cannot be reviewed here, it should be noted that Uesugi sought to discredit the "organ theory" on the grounds that it was incipient republicanism in disguise, that it was the product of the European movement from absolute monarchism to popular sovereignty, and hence that it was subversive of Japan's "national polity." Minobé held that the corporate theory had nothing to do with monarchism or republicanism as such but merely elucidated the true nature of all states, and that, far from being inimical to monarchical sovereignty, the "organ theory" in no way conflicted with the "national polity."

In a bitter debate that raged for two decades and eventually involved the entire Japanese political and academic worlds, Minobé apparently emerged victorious. While Uesugi's supporters steadily dwindled, Minobé was loaded with official honors, his works became the authorized handbooks for public school teachers, his disciples filled most of the important government offices, and the general public swung behind him. All this was accompanied by a steady growth in parliamentary government that, while feeble by Western standards, held promise for the further democratization of Japan.²⁴

The significance of Minobé's success, however, did not lie wholly in the general acceptance of his "organ theory" as such. The rationality of this theory appealed to the new generation, educated in the rational, scientific atmosphere of modern Japan's Westernized school system. However, many who rallied to Minobé's support harbored doubts as to the validity of the "organ

²⁴ Most of the foregoing material on Minobé and the "organ theory" is derived from the work of my colleague, Frank O. Miller, "The Constitutional Theory of Minobé Tatsukichi" (diss. in preparation, Univ. of California, Berkeley).

theory" itself. Yet they supported him because of the character which the controversy had assumed; Minobé had become the symbol of progress, enlightenment, and democracy as opposed to the dead hand of tradition.²⁵ As new times created new social classes which strained at the immobility of the traditional hierarchical social structure, Minobé appeared to these classes as the standard-bearer of their assault on the ideological underpinnings of the old order. The "organ theory" became the battlecry of democracy.²⁶

If Minobé prevailed in the comparatively liberal atmosphere of the 1920's because he had become a symbol of liberalism, it was precisely because he was such a symbol that disaster later struck him. As Japanese liberalism succumbed to a trend toward military dictatorship in the 1930's, the forces of reaction concentrated their fury on the popular liberal symbol. Unable to best Minobé in argument, in 1935 they coerced the Government, which by then was subservient to militarist intimidation, into arbitrarily proscribing the "organ theory." Such an act could not permanently resolve the controversy over the "national polity," however, for it was a decision imposed virtually by military fiat. Military fiats may produce outward compliance, but they do not change men's minds. Whenever the reactionary movement should wane, it was to be expected that at the first opportunity the "organ theory" would be raised again as the symbol of a reviving liberalism.

In the light of this historical background, the seriousness of the substantive and procedural defects of the present constitutional provisions concerning the emperor becomes clear. When, with the establishment of the Occupation, the way seemed open again for the resumption of democratic growth, the sudden appearance of the MacArthur Constitution struck the Japanese liberals with consternation. While this constitution was intended to establish democracy in Japan, it ran counter in almost every way to the means by which the Japanese liberals had been trying to make democracy palatable to their countrymen. It proclaimed the alien doctrine of popular sovereignty, with which the reactionaries had tried to smear the liberals and which the liberals had striven so hard to deny. It cast doubt on the "national polity," whereas the liberals had tried very hard to show that increasing democratization was in keeping with the "national polity." It imposed these ideas virtually by military fiat, just as the reactionaries had imposed their ideas in 1935. This did not look like the way to vindicate the historic struggle for democracy in Japan.

The American authors of the MacArthur Constitution could not have been expected to appreciate these historical implications. It would be unfair, also, to ignore the argument that the situation in Japan called for drastic revolutionary measures; that the Japanese liberals, if left to their own devices, would have acted too slowly; and that General MacArthur had no practical choice but to

²⁵ See the testimony of Toshiyoshi Miyazawa in "Nihon Hogaku no Kaiko to Tembo," *Horitsu Jiho*, Vol. 20, no. 12 (Dec., 1948).

²⁶ It might be objected that the "organ theory" was not necessarily democratic and that Minobé himself was hardly a democrat by temperament. But circumstances caused the "organ theory" and Minobé to play the role of spearheads of the trend toward democracy.

act arbitrarily in order to head off dangerous developments. It is also true that some Japanese liberals felt that, considering the circumstances, it would be wise to accept the MacArthur Constitution, to acknowledge frankly that the "national polity" had been altered, and to sell the Japanese public on the idea that such a clean break with the past had become desirable.

But it is understandable that most of the Japanese liberals were reluctant to write off their own struggles of half a century and to accept instead a ready-made foreign gift. Except for their setback in the 1930's, they had had heartening success in the past in steadily adapting democracy to the Japanese environment. What they had cultivated so arduously and so long seemed to them to hold greater promise of further growth in the native soil than a sudden new transplantation. What they had fought for so hard had more value to them than something handed to them by an alien, if benevolent, conqueror. Minobé himself thought that the Meiji Constitution, properly interpreted, would be sufficient to assure the full growth of democracy.²⁷ Others favored some revision of the Meiji Constitution, but only such revision as would facilitate the evolutionary democratization of Meiji institutions. Few had faith in innovations that ignored the Japanese historical background.

The issues could not be openly and honestly debated at the time of the adoption of the MacArthur Constitution because of the restraints inherent under Occupation conditions. The Government, as has already been noted, further muddled the issue by trying to pass the new constitution off as being more in accord with what most Japanese wanted than in fact it was. But now at last, with the Occupation fading into the past, the inhibitions surrounding discussions of the constitution are beginning to fall away. Hence the likelihood of revision is steadily growing. Some restoration of the theoretical authority of the emperor, but with such popular controls as are called for by the "organ theory," appears to be in prospect.²⁸

It is to be expected that the reactionaries will take advantage of the growing pressure for constitutional revision to try to slip in changes unfavorable to democracy. But this should not be allowed to obscure the fact that many sincere advocates of democracy also believe that some modification of the present constitution is in order. With the constitution, as with so many other matters, the Occupation tried to go too far and too fast in conferring democracy from above. As a result, much of the handiwork of the Occupation was left dangling in mid-air, with no contact with the foundations that had been laid earlier by the painful efforts of the native pioneers of democracy. A change in the present constitutional status of the emperor, therefore, need not necessarily mean a retrograde step toward absolutism. On the contrary, it might well serve to strengthen Japanese democratic development by re-establishing it upon a sounder historical foundation.

²⁷ *Nippon Times* (Tokyo), Oct. 16, 1945.

²⁸ See, for example, the proposal of Progressive (now Democratic) party leaders that the emperor be changed from "symbol of the State" to "chief of State," in *Nippon Times*, July 17, 1954.

THE FRENCH COUNCIL OF STATE: ITS ROLE IN THE FORMULATION AND IMPLEMENTATION OF ADMINISTRATIVE LAW

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In order to understand the nature, evolution, and basic conceptions of French administrative law, it is essential to study the role of the *Conseil d'État*, the supreme administrative tribunal. Creative and dynamic, often even bold, the jurisprudence of this remarkable body remains nevertheless prudent and fundamentally evolutionary. One would search in vain for the major principle of French administrative law in the legislative texts; they have been developed by the jurisprudence of this Council as it proceeds, by a series of successive decisions, from specific cases to ultimate yet flexible generalizations, establishing basic legal concepts not only by the skillful interpretation of texts, but also by creative construction when the texts are silent. Together with its doctrinal achievements, the Council's *usus fori* or judicial practice forms a flexible source of principles applicable to specific cases. The legislator may regulate according to circumstances and the necessities of the moment, without concerning himself with general principles or even conforming rigorously to those created by jurisprudence and theory. But the administrative judge, in administering justice, performs a genuinely creative task and establishes bases for legal thought.

The imposing edifice of French administrative law established in the course of the last century has been from the start closely associated with the proceedings of the Council of State, with the extraordinary prestige it enjoys and the universal respect accorded its opinions. In judging concrete cases, the Council of State sees to it, of course, that existing laws and regulations are obeyed, but it also gives direction to the development of administrative law by its creative and interpretative function. French administrative law is not case law, and even less common law: the role of statute law is much more important than in England or the United States, and is by no means limited to the formulation of *addenda* and *errata* for a pre-established system presumed to have existed previously. Consequently, the Council's interpretative function is quite broad. If one reads only the laws, he may seize upon mere scattered fragments and miss the creative and legislating aspect of the judicial process, which unifies isolated legislative rules and places them in a conceptual framework governed by established principles.

Although such a creative process, the product of the daily thought and action of judges, may be found in other countries and in other branches of public or private law, it constitutes such a distinctive feature of French administrative law that its importance can be neglected only at the risk of misunderstanding the true situation in France. When the student of comparative law

sets out to understand the general role and position of the Council in the governmental machinery of 19th and 20th century France, he should not limit his inquiry to its function of ruling upon legality. He must add to this a crucial fact which cannot be discovered in the legislative statute governing the attributes and structure of the Council of State—namely, that the Council has, for 150 years, taken upon itself a constructive mission resulting from its view of administrative problems, based upon its time-honored tradition, and conditioned by its innate practical sense. This is why the predominant aspect of French administrative law, unlike other types of French law, is that it is “judge-made,” in spite of the fact that legislative statutes concerning administrative activity abound, and indeed are multiplying at a truly alarming rate. Goodnow, in describing the functions of the Council of State for the American reader, speaks only of its control over formal legality, without analyzing closely the creative mission of the Council and its place in the system of French administrative law.¹ This function, however, cannot be stressed enough. French administrative law is the vital source of inspiration for other national systems in Europe and elsewhere precisely because of its judicial origin.² Thanks to the flexibility, talent, and courage of generations of leading administrative judges, it is governed by well-defined principles and manages to combine utility with internal logic even while being constantly threatened with the possible overturn of the Council's jurisprudence. The Council of State has maintained a remarkable continuity despite major economic, political, and social upheavals and in the face of institutional changes and fluctuations in political theories. It forms a fixed center of ideas and functions which remains while other institutions disappear or are completely transformed. Nor does its influence within the present governmental structure seem likely to diminish. The Council's structure and recruitment were changed by the administrative reorganization of 1945 and by the creation in the same year of the National School of Administration, but its basic role was not at all affected by these developments. For the role of the Council has never rested on specific statutes, but has always resulted, within the framework of existing laws, from the force of circumstance. Only by delving into these circumstantial factors can one hope to grasp the meaning and importance of this unique development, which has gone on quite undisturbed by the various administrative innovations attendant upon nationalization, the development of social legislation, and the constitutional creation of the French Union. Indeed, these developments on the French scene have themselves been profoundly influenced by the activity of the Council—as a consultative organization utilized by Parliament and the Administration, if

¹ Frank J. Goodnow, *Comparative Administrative Law* (New York, 1893), Vol. 2, pp. 217ff.

² In order to gain an appreciation of the influence of French administrative law, and hence of the *Conseil d'État*, the reader should consult the series of studies contained in a volume published on the occasion of the 150th anniversary of the Council's uninterrupted existence: *Livre jubilaire du Conseil d'État* (Paris, 1949). Councils of State modeled on the French have been adopted in many lands, including Belgium, Greece, and Egypt.

not directly as judicial controller. Furthermore, all recent large-scale administrative codifications represent either a wholesale adoption of the Council's opinions on the subject (e.g., the civil service law of October 19, 1946) or work influenced by the Council's judgments and advice (e.g., the general tax code of April 6, 1950). Finally, we shall see that the total reorganization of the French administrative litigation system (*système du contentieux*) in 1954, the culmination of decades of debate, gave full recognition to the prestige and leading role of the Council of State. In its own activity, as well as in that which affects it from the outside as a result of legislative reforms, the Council represents a judicious blend of tradition and progress.

Attributes of the Council of State. It is important to note³ that the Council of State by no means monopolizes litigation involving the Administration. For the relationships of the Administration are governed partly by administrative law and partly by private law; hence lawsuits which arise with respect to them belong partly to the administrative judge (the Council of State and connected bodies), and partly to the civil or penal judge (the *Cour de Cassation* and the ordinary courts of law). The well-known French *régime administratif*,⁴ in light of the facts, has never been "totalitarian," in spite of certain past tendencies. For on the one hand we find numerous examples of private management of public affairs, with the civil contract playing the major role. On the other hand, the state retains the option of applying administrative or private law to various administrative activities. There is a growing number of administrative operations to which civil law now applies and which are accordingly under the jurisdiction of civil courts.⁵ Since nothing in the intrinsic nature of these operations calls for a separate legal system, administrative law does not apply to them, and hence is not the only legal framework for dealing with administrative activities. While administrative law may still have a position that is qualitatively distinct and quantitatively dominant in this branch of state activity, it is vital to keep in mind the hybrid and dualistic nature of this legal regime which is by no means exclusively that of administrative law.

The Council's jurisdictional competence hardly describes its total activities as they are revealed by its rich history or by existing law. For the Council of State has a three-fold character: it maintains judicial control of the Administration, it participates directly and indirectly in the actual administrative process, and it serves as consultant to the government by providing juridical advice to the legislating body. The last two functions constitute very important and original features of the Council's activity.

The French civil code of 1803, the *Code Napoléon*, represents in its entirety

³ As does Carl J. Friedrich, *Constitutional Government and Democracy* (Boston, 1949), pp. 114-15.

⁴ The regime that so disturbed Dicey because he considered it "monstrous" and leading to "bureaucratic despotism."

⁵ Although the jurisdiction of the judge (ordinary or administrative) does not correspond exactly to the nature of the law (private or administrative) applicable to the Administration, this correspondence is roughly correct.

the work of the Council of State. The views expressed by the Council in its opinions and in its work of codification have played a major historical part in the whole evolution. The Council continues to deliver opinions on the form and substance of laws and administrative regulations (*règlements*); the legality of some of these acts has been conditioned by the Council's previous advice. It is also consulted by the Administration as to the legality of particular provisions, as to the manner in which certain matters should be codified, and in general upon various difficulties which arise in administrative matters.

Two large groups of the Council's opinions must be distinguished. On the one hand, there is an area in which the Government, without being obliged by law to do so, may ask for the Council's advice before it undertakes a legislative or administrative act, whether of general or specific nature. Thus the Government may—and indeed often does—consult the Council, which consequently becomes an important center for the drafting of basic texts and opinions communicated to the Government at the latter's request.

On the other hand, there are three categories in which prior consultation of the Council of State is mandatory by law: (1) on all Government bills submitted to Parliament, whatever their subject may be; (2) on all governmental decrees having the force of law (decree-laws) dealing only with certain subjects and passed for a certain period of time; and (3) on all non-legislative decrees of the Government, called *règlements d'Administration publique*. This term simply signifies that unlike other categories of rules these latter regulations must necessarily be submitted to the Council of State for a preliminary opinion or be disallowed.⁶ It is well known that the Government, in practice, continually takes cognizance of the Council's opinions to a remarkable degree. These opinions, furthermore, may later be reviewed by the Council in its role as administrative court, for they do not bind the Council in its judicial function.⁷ Since the Administration always defers to the decisions of the Council of State as administrative tribunal, the Government, although it is not legally obligated to do so, respects the Council's advice even when it extends beyond a ruling on legality and has to do with administrative expediency.

Moreover, since 1945 the Council of State has enjoyed a certain degree of initiative in the giving of advice; it may of its own volition direct the Government's attention to needed legislative and administrative reforms. Finally, there is a constant interpenetration of active administrators into the ranks of the Council and of Council members into the active bureaucracy, which makes for a permanent and intimate contact between the Council and the Administration. We shall see later how unusual this particular system is.

Situated at the heart of the Administration, the Council of State does not

⁶ Hence only private bills put forward by members of Parliament are excluded from preliminary scrutiny by the Council of State. Rules other than those *d'administration publique* may always be submitted to the Council for advice if the Government so wishes.

⁷ The Council of State thus has, in principle, control over all administrative activity, including that based upon its own prior advice.

inspire the mistrust that would naturally be felt toward external controls; and yet part of the Council exercises a control that has become increasingly judicial because of its rigorous objectivity. The other part of the Council cooperates in many ways with the Government and the administrative bodies, accumulating various functions that demand complex structural and procedural arrangements and call for a very high intellectual and professional level on the part of its members. The whole history of the Council of State shows that it has succeeded in attaining unity within this complexity and in developing an admirable *esprit de corps* in spite of the variety of its methods of recruitment; and that it has preserved its great prestige and fulfilled its numerous duties conscientiously and with competence.

Judicial Organization. We must always bear in mind the dualistic nature of the French judicial hierarchy, with its separation of legal actions resulting from a specific interpretation of the principle of separation of powers: alongside of ordinary civil or criminal proceedings, we find administrative proceedings. This is by no means a peculiarity of the French system: wherever provision is made for administrative justice apart from ordinary courts—no matter what its structure and degree of independence with respect to ordinary justice and the administration—some such differentiation is necessary. In France these hierarchies are completely independent of each other. The ordinary courts form the “judicial” power authorized by the Constitution, while administrative justice belongs, in terms of the separation of powers, to the “executive” power, even though it is basically separate from the active Administration and indeed is predicated upon the independence of its judicial members. One must not be misled by Anglo-Saxon usage into classifying administrative justice as one of the “quasi-judicial” functions of government: it is a genuine judicial process, by virtue of its nature, the respect accorded its decisions, and the prestige of its personnel—even though the formal façade remains administrative and the 1946 Constitution makes no mention of it whatsoever.

This dual apparatus for the maintenance of justice requires an arbitrator to resolve conflicts of jurisdiction between the two parallel hierarchies, each administering the law in its own domain. This function is entrusted to the *Tribunal des Conflits*, a superior body of mixed composition. Similar courts generally exist in European countries wherever such a dual system of justice is maintained.

Thus the Council of State engages in control of the Administration in judging administrative litigation, and the *Tribunal des Conflits* decides conflicts of jurisdiction between ordinary and administrative courts. These two institutions together have evolved, during the latter decades of the 19th century and the first half of the 20th, the great edifice of French administrative law. The principle, still accepted in some other countries, of the non-responsibility of public authority insofar as it is an attribute of national sovereignty, has been progressively abolished in France and replaced by the novel principle of administrative responsibility at all levels of government—national, departmental, and com-

munal—toward individuals injured by administrative action or neglect.⁸ In this way specific legal channels have been established to assure the consumer of public services of a network of efficient legal protection against arbitrary acts, channels which lead to the total annulment of an illegal administrative act.⁹ To mention only two basic achievements among many, we may cite the following contributions to jurisprudence: within the area of administrative responsibility, the theory of “lack of foresight” (*théorie de l'imprévision*), which has been established by the Council of State to govern the unusual contractual obligations involved in a public service concession with respect to the concessioner and the consumers; and within the area of abuse of power of which the Administration may be guilty, the theory of the “embezzlement of power” (*détournement de pouvoir*), by which the Council enlarged the grounds for possible annulment of suspicious administrative acts by taking into account the motivations of public officials—in particular, their subordination of means to the end being pursued. One cannot find a legislative basis for these two theories: they have been created by the administrative judge or the *Tribunal des Conflits* (or, frequently, the two in succession); theory has adopted and schematized them, while the legislator either preserves silence on the subject or refers indirectly to the work of jurisprudence. These doctrines have been accepted in other countries,¹⁰ and have enriched the universal legal heritage.

Composition of the Council. The present composition of the Council of State, established by the 1945 legislation,¹¹ is as follows: The Council is accountable to and officially presided over by the Premier. In his absence this duty falls to the Minister of Justice, but in point of fact it is usually the vice-president of the Council who actually presides. The Council itself is made up of five section presidents, 47 regular councilors (*Conseillers d'État en service ordinaire*), 12 advisory councilors (*Conseillers d'État en service extraordinaire*), 50 masters (*maîtres des requêtes*), and 48 auditors.¹² Two out of three regular councilors are chosen from among the masters, the third nomination being left to the Government.¹³ Three out of four masters are chosen from among the first-class auditors,

⁸ These legal actions are said to be *de pleine juridiction*.

⁹ Known as *ouvertures for recours pour excès de pouvoir*.

¹⁰ The *arrêts* of the Council of State and of the *Tribunal des Conflits* may easily be found in the *Recueil des arrêts du Conseil d'État*, the *Recueil général des lois et des arrêts*, edited by Sirey, and in the collections published by Dalloz. Summaries and critical articles on the Council's decrees are published in the *Revue du Droit public* and in the *Études et documents* which the Council of State has published since 1947. Hauriou's valuable notes (concerning the period from 1892 to 1929) have been published separately in three volumes, *La jurisprudence administrative* (Paris, 1929); those of Waline have been appearing in the *Revue du Droit public* since 1945. The standard treatises on French administrative law (those of Hauriou, Duguit, and Bonnard among the older works; those of Waline, Laubadère, and Duez-Debeyre among the recent) are based, of course, on the achievements of this administrative jurisprudence.

¹¹ Ordinance of July 31, 1945.

¹² Of whom 20 are first class auditors and 28 second-class.

¹³ Since 1954, one *conseiller d'État en service ordinaire* and two *maîtres des requêtes* are chosen from among the presidents or councilors of the *tribunaux administratifs* (see below).

with the last nomination again left to the Government's choice.¹⁴ All first-class auditors, without exception, are chosen from among second-class auditors. Every member of the Council of State is appointed and recalled by decree, on the proposal of the Minister of Justice.¹⁵

Advisory councilors are chosen from among qualified persons in different fields of national activity, other than parliamentary.¹⁶ They are named for annual terms, which may be renewed. These councilors are not permitted to take part in the court proceedings; they participate only in the Council's consultative and extra-judicial work, although they sit in the General Assembly and on the Permanent Commission.¹⁷

Under the laws and regulations governing the National School of Administration,¹⁸ one must have successfully completed its course of studies before being named a second-class auditor.¹⁹ This means that those newcomers to the Council who represent the base of its "career service" are trained together with other candidates for public life, the future civil "administrators."²⁰ This schooling replaces the specialized instruction and examinations that existed before this administrative reform. Furthermore, those who are admitted to the Council represent by law the élite of each graduating class in the School of Administration; they have emerged, on the basis of course work, examinations, and probationary periods, as the most highly qualified candidates.

Entry into the Council of State is thus accomplished by one of two means: (1) by the career method of starting at the bottom, after graduating from the *École nationale d'Administration* in the prescribed fashion, and then moving up through the ranks, or (2) similarly, by obtaining some higher post from the outside, within the quota set aside by law for recruitment by such means.²¹ Just as the independence enjoyed by all members of the Council, regardless of rank,

¹⁴ In order to be named *maître des requêtes* "from the outside," one must be at least 30 years old and have 10 years of public service (civil or military). Minimum age for regular councilors of State is 40 years.

¹⁵ The decree nominating regular councilors of State is taken to the Council of Ministers on the proposal of the President of that Council and the Minister of Justice. The masters are named upon presentation of the so-called "bureau of the Council of State," composed of the vice-president in deliberation with all the section presidents; the same manner of presentation applies to the nomination of first-class auditors. All members of the Council are recalled in the same way they are named.

¹⁶ Formerly all *conseillers d'État en service extraordinaire* were recruited from among high-level administrators. This recruitment has been considerably extended since 1945.

¹⁷ Unlike all other members of the Council, the *conseillers d'État en service extraordinaire* do not receive a steady salary, but are reimbursed for services rendered.

¹⁸ Ordinance of Oct. 9, 1945; internal regulation of Jan. 16, 1947, etc.

¹⁹ I.e., one must (1) have passed the entrance examination (either the one given to civil servants or the one given to graduates of university level with no previous administrative experience); (2) have obtained a satisfactory average grade at the end of the second year of studies; (3) be classed, consequently, at the head of the "*premier groupe*," in which candidates are apportioned according to merit; they may then freely choose from several administrative careers, the top rank of these being the Council of State.

²⁰ Analogous to the British "administrative class."

²¹ The vice-president, the section presidents, and the councilors retire at the age of 70; all other member of the Council of State retire at 65.

is not fixed by any formal guarantee, but has nevertheless taken on the authority of custom, so these recruitments from outside are always consistent with the high caliber expected of members in this "High Assembly." Hence balance is maintained in spite of the different methods of recruitment.

All members of the Council pass from one section to another throughout their careers—in particular, from the litigation section to the purely administrative sections. In the course of their careers they may perform their normal functions or they may be delegated (for two years at most) to another public activity (e.g., that of director of a ministry, or director or member of a minister's *cabinet*, or legislative counselor for a protectorate), or, finally, they may be given leave of absence (*hors cadres*) for a period of not more than five years.²² In the last case, members on leave of absence may be appointed to posts in the government service or in international organizations; they may serve as teachers or fulfill a governmental mission abroad; or they may sometimes occupy a post conferred by the government in private establishments under the control of the state. This current and general practice of detaching members of the Council for varying periods of service in important government posts²³ secures the participation of specialists highly qualified in the affairs of government and public enterprises of all sorts. Moreover, members of the Council, no matter what their rank, and without being formally detached from the Council, may participate in the work of commissions, committees, and other organizations within the ministries and the public service in general, provided they first obtain the permission of the vice president of the Council. Thus many members of the Council preside over various proceedings or perform in judicial functions, incidentally conferring on these extracurricular activities part of the prestige of the Council of State.

Internal Structure. The internal structure of the Council of State is as follows:

1. The General Assembly of the Council, composed of all its members meeting *in corpore*,²⁴ deals with all questions submitted to the Council. These may

²² When a leave of absence follows upon some assignment, its duration is reduced by the length of the latter. A leave of absence may be extended for another five years, by permission of the vice-president of the Council in deliberation with the section presidents. However, auditors may not be assigned or given leaves of absence until they have served four years with the Council.

²³ Among the posts occupied in 1949 by members of the Council of State on leave of absence were, for example, the following: the director general of taxes, of population, and of cultural relations with the Ministry of Foreign Affairs; the director general of social security; the secretary general of government, of the National Economic Council, of the military government of the Rhineland, of the Ministry of Foreign Affairs, and of the protectorate of Morocco; the director of the Civil Service with the presidency of the government, of the central office of the Ministry for Reconstruction, of the post-entry training at the National School of Administration, and of the public food supply; the prefect of police at Paris; the high commissioner of the Republic of Cameroons; the head of the French financial mission to the United States; the judicial counselor of the Tunisian government; and the government commissioner for the Bank of Paris and the Low Countries (see the *Annuaire du Conseil d'État*, 1949).

²⁴ Twenty regular councilors constitute a quorum.

be of a legislative nature, or may concern drafts of administrative regulations or certain special matters.²⁵ Or they may be questions that have been sent to the Assembly because of their importance by a minister, by the vice-president of the Council, or by the president of a section (or the section itself). Urgent legislative matters are, however, sent to the Permanent Commission. Thus each internal division of the Council may transmit to the General Assembly any case that, in its judgment, requires the Assembly's deliberation because it involves some new principle or some exceptional circumstance.

2. The Permanent Commission, drawn from all the sections, is composed of a section president, five regular councilors (four of whom must belong to the administrative sections), and four advisory councilors. It is charged with examining those urgent government bills or proposed *décrets* having the force of law that are submitted to the Council for its opinion by the minister concerned.²⁶ Although the Permanent Commission was intended by statute to operate only in exceptional cases, it has, since 1945, found itself replacing to a great extent other branches of the Council in the field of legislative consultation.²⁷

3. The four administrative sections²⁸ have jurisdiction over legislative and administrative matters, and deal with all else that does not fall into the category of administrative litigation. They function in individual sections, in groups of two sections, or "in commission" (when more than two sections are involved). Regular councilors are assigned to one of the four sections by the Premier, upon recommendation of the Minister of Justice and after the vice-president of the Council of State has deliberated on the appointment with the section presidents. Advisory councilors are assigned to administrative sections by the vice-president, who also assigns masters and auditors, after consulting the section presidents.²⁹

4. The litigation section is made up of a section president and 18 regular councilors. This section decides all cases coming under the jurisdiction of the Council, and is divided into eight subsections, each of which has three councilors as members. The section exercises its functions according to the subject

²⁵ The creation of religious establishments, certain treaties passed by the city of Paris, changes in the territorial boundaries of communes, decrees on the subject of maritime seizures, and demands for mining rights.

²⁶ In practice, by the Secretary-General of the government acting on delegation.

²⁷ The number of cases examined by the Permanent Commission was as follows: 500 in 1945, 220 in 1946, 246 in 1947, 215 in 1948-49, 104 in 1949-50, and 120 in 1950-51.

²⁸ They are as follows: the section of the interior (with jurisdiction over matters depending on the presidency of the government, the ministries of justice, interior, national education, etc.); the section on finances (ministries of finance, foreign affairs, national defense, overseas, etc.); the section on public works (ministries of national economy, public works and transport, agriculture, postal services, reconstruction and urbanism, etc.); and the social section (ministries of labor, public health and population, veterans, etc.).

²⁹ An absent councilor of State may be replaced by the senior *maître des requêtes* in the section. The secretary general of the Council is chosen from among the *maîtres des requêtes* assigned to the administrative sections. The *maîtres des requêtes* and auditors belonging to the administrative sections and to the litigations section may be called to participate in the work of the Permanent Commission.

under consideration—either in a subsection or in two grouped subsections, or in plenary sessions of the whole litigation section. Any case may be referred to this plenary session, in which a certain number of members of the administrative sections must take part.³⁰ Although government ministers may, if they wish, participate in deliberations of the Council which concern their departments, they lose this right with respect to the adjudication of administrative disputes (since they may be involved in them as a party). "Government commissioners" and their assistants take part in the section's proceedings; they are chosen from among the masters and auditors in the disputes section, and are named by the Minister of Justice on recommendation of the vice-president of the Council of State and the president of the litigation section. The role of the government commissioner in each case is particularly important, for he delivers in open session an opinion, later published,³¹ regarding the entire legal situation. The successive conclusions of these commissioners contribute a great deal to the explanation of judicial decisions, to the stabilization of the principles enunciated, and to the elaboration of doctrine.

From this explanation of the Council of State's structure, it should be clear that the Council is not a body whose integral parts are sharply separated from each other, nor yet a hermetically sealed group closed off from the outside. The auditors, as we have seen, circulate between sections. There are collective groups within the Council, such as the General Assembly, made up of all the members, and the Permanent Commission, or the plenary session of the litigation section, made up of delegates from all sections. On the other hand, the close and continual ties of the Council of State with the administrative world of which it is completely a part, and with national life in general, are assured by many factors:

1. Future auditors are trained at the National School of Administration, in common with future high officials of all branches of the Administration (including the Court of Accounts).
2. Masters and regular councilors are recruited in various ways; the normal or career service is balanced by a direct influx of specialists of all sorts from outside the Council of State, and particularly from the most important branches of the Administration, in the broad sense of the term.
3. Advisory councilors, coming from different fields of national activity, play an important role in the four administrative sections, the General Assembly, and the Permanent Commission.
4. In every ministry there is an official (of at least directoral rank) who is designated by decree to participate in all meetings of the Council of State that deal with matters concerning his ministry. Moreover, officials of this rank may be designated by ministerial *arrêt* to take part in the discussions of the Council on any given matter.

³⁰ The plenary session for litigation is composed of the vice-president of the Council of State, the president of the disputes section, the presidents of its subsections, and four regular councilors elected from among the councilors assigned to the administrative sections (one from each section).

³¹ In contrast to the rest of the *dossier*, which is not released to outside parties.

5. Ministers, and the vice president of the Council of State, may call upon individuals whose special knowledge would help to clarify the discussions to take part, with consultative vote, in the meetings of the General Assembly, the Permanent Commission, commissions, or sections (other than the litigation section).

6. A member of the Council of State is assigned to follow up matters of interest to the Council with the President of the government (Premier).

7. Members of the Council of State are detached or given leaves of absence to function in a public capacity, which gives them access to key posts in the Administration as well as to an important source of experience.

Thus the Council maintains a close contact with outside affairs in many ways; its *esprit de corps*, based on time-honored tradition and the prestige that surrounds it, does not isolate it from administrative life. While it is compartmentalized and forms a closed unit, it is nevertheless not entirely closed, but always keeps in close touch with the modes of thought and action fashioned by the necessities of practical life.³²

The 1954 Reform. As of January 1, 1954, a major reform of the whole procedure for handling claims against the Administration has been enacted, radically transforming the traditional jurisdiction of the Council of State in these matters.³³ Before this reform, the Council of State was, in principle, judge of the first and last degree in administrative matters, while the "prefectural councils" were merely courts of first instance in specific cases. But a new division of jurisdiction had long been needed: indeed it had been requested by the Council itself. A combination of circumstances—the widespread confidence of the public in the Council's impartiality, together with a series of postwar crises which called for special legislation (e.g., the post-liberation "purge," requisitioning, war damage, the intervention of the government as a result of the nationalization in many fields, and problems posed by the new civil service statute) had resulted in a wave of new claims before the Council which created a most difficult situation. Since the litigation procedure before the Council takes on the average between three and five years, decrees of annulment are tardy, and have only a moral significance when they are issued—a situation which lends encouragement of a sort to illegality. The number of claims before the Council is constantly growing, but the General Assembly has not been increased in size for a century, and is responsible for several other functions as well as the consideration of claims.³⁴ As a result, it was obliged to make a desperate effort to prevent this flood of claims³⁵ from resulting in a lowering of the level of its de-

³² See the jubilee volume cited in note 2, especially the article by Henri Puget, pp. 113-17.

³³ Decrees no. 53-934, no. 53-935, no. 53-936, no. 53-937, all of Sept. 30, 1953.

³⁴ The Council of State has become, by force of circumstance, the center of many neighboring or new jurisdictions, among them the High Court of Arbitration, the Prize Court, the special commission for appeals concerning war pensions, the High Commission for appeals on war damage, the Commission of Appeal for refugees and stateless persons, and so on.

³⁵ The number of claims before the Council of State was as follows: 4,964 in 1938-39;

cisions. Some means of speeding up the disputes procedure obviously had to be found. The government accordingly seized the opportunity offered by the July 11, 1953 law, which gave it temporary special powers that extended to a reform of administrative litigation.

By this reform the 23 prefectural councils of metropolitan France,³⁶ as well as the prefectural councils in the seven overseas departments,³⁷ were transformed into *tribunaux administratifs*.³⁸ These tribunals are henceforth brought closer to the parties, since they replace the Council of State as first degree judge in administrative matters. The Council of State now assumes a triple function:

1. It is a court of ascription (*juge d'attribution*) for administrative litigation originating in extra-metropolitan territories,³⁹ or for cases directly submitted to it by law because of their presumed importance or because they concern several administrative tribunals.⁴⁰ In these special cases, the Council of State remains competent in first and last instances (an exception to the new general rule).

2. It is court of appeals from decisions of the administrative tribunals or other special jurisdictions of first instance.⁴¹

3. It is the supreme court (the only one in administrative matters) over all bodies having administrative jurisdiction from which there is no appeal to the Council of State. The *Cour des Comptes*, or the court of budgetary discipline, for example, falls under the Council's final jurisdiction in this way. Hence all administrative disputes, whatever their origin, are always liable to challenge

4,963 in 1945-46; 5,410 in 1946-47. The backlog of cases as of August 1, 1939 was 1,779 *dossiers*; as of August 1, 1947, 10,405 *dossiers*; and as of August 1, 1953, 24,510 *dossiers*.

³⁶ I.e., the 21 interdepartmental prefectural councils, the prefectural council of the Seine (at Paris), and the administrative tribunal of Alsace and Lorraine (at Strasbourg).

³⁷ I.e., the seven overseas prefectural councils: three in the departments of Algeria, and one each in French Guiana, Martinique, Guadeloupe, and Réunion.

³⁸ In the other French dependencies overseas (which do not fall under the Minister of the Interior, as do those mentioned in the previous note, but are under the Minister for Overseas France), the organization of administrative justice remains unchanged—that is to say, fairly diverse. In particular, in overseas territories and associated territories (those making up the "French Union") we find *conseils du contentieux administratif*—administrative litigation councils—which vary from the obsolete predominance of active administrators that we find in such councils in New Caledonia to those with a greater place reserved for the judiciary magistrates (Madagascar, Cameroons, Indo-China). In Morocco and Tunisia administrative litigation is dealt with in ordinary courts.

³⁹ Those which fall under the jurisdiction not of the Minister of the Interior, but of the Minister for Overseas France (see previous note).

⁴⁰ To this class belong, among others, disputes arising from governmental decrees (whether regulatory or individual), those dealing with the rights of civil servants (including the military), or those involving the interpretation or evaluation of the legality of administrative acts when the point at issue directly concerns the jurisdiction of the Council of State as *juge d'attribution*, as well as disputes against unilateral administrative acts whose field of application covers the jurisdiction of more than one administrative tribunal.

⁴¹ Except when certain specialized administrative jurisdictions comprise a hierarchy of their own (i.e., have their own judge of appeals): as for example the university councils (first resort) and the Higher Council of National Education (second resort).

before the Council of State either on appeal or as last resort. The latter is never excluded, no matter whether the law expressly provides for it, remains silent, or even expressly excludes all recourse.

Thus, since the beginning of 1954, the majority of claims in administrative matters have been channeled to the *tribunaux administratifs*⁴² and not, as previously, directly to the Council of State. However, the latter retains control, at least in principle, over the entire field of administrative litigation, if only by the appeals route.⁴³ (One must not overlook, moreover, the practical importance of the fact that the Council of State acts as court of first resort in all disputes concerning the rights of civil servants.) The unification of the entire jurisprudence is assured by this ultimate participation of the Council of State, which may never be disallowed. Furthermore, under the ordinance of July 31, 1945, the Council of State retains the permanent power of inspecting all administrative jurisdictions, both in metropolitan France and overseas.⁴⁴ This authority permits the Council to exert a strong influence and unifying control over the activity and administration of all organs of administrative jurisdiction, as well as giving it an opportunity to complete the training of its personnel.

This functional reform was accompanied by certain procedural reforms. The traditional and inexpensive written procedure, which gives the judge directive powers and is based upon an open hearing, is retained. But a right to stay the proceedings⁴⁵ is given to the administrative tribunal of first instance, allowing it to prevent illegal action from taking place. However, this power remains ex-

⁴² The delimitation of the territorial jurisdiction of the new administrative tribunals is complex. The idea behind it was to make sure that the administrative tribunals in Paris would not be swamped as the Council of State was, in view of the fact that with the French administrative system set up the way it is, the central authorities are situated in Paris and have extended jurisdiction. Any simplified formula would certainly have resulted in the accumulation in Paris of a mass of litigation directed against administrative acts. In order to avoid this danger, the formula adopted was pluralistic: the principle of competence based on the residence of the author of the contested administrative act is modified by a series of supplementary provisions relating to the residence of the claimant (e.g., in the matter of pensions), to the location of the goods (e.g., in legal disputes pertaining to expropriation or public domain), to the site of the exploitation in question (e.g., in economic and social disputes), by the place of execution of a contract, by the scene of an official's assignment, by the situs of the corporation in arrears, by the scene of the event causing damage, and so on. Territorial jurisdiction is thus primarily a function of the nature of the matter under dispute.

⁴³ It may be hoped that losing parties in disputes (above all the Administration itself) will not in the future abuse the ways of appeal open to them. Otherwise the Council of State may not long enjoy the release from pressure achieved in 1954 (with respect to future claims as well as litigation underway at the time), and new delays and new backlogs may call for new measures.

⁴⁴ This mission of inspection, confirmed and strengthened by the 1954 reform, is exercised, under the authority of the vice-president of the Council of State, by a councilor assisted by two other members of the Council, who make the rounds regularly.

⁴⁵ Such injunctions have been available to the Council of State since 1806, but under the decree of that year were to be used only in exceptional circumstances; even when allowed, the application of such injunctions was very limited.

ceptional⁴⁶ and the Council of State may revoke such injunctions by a process considerably shorter than the usual one. In addition, by these reforms the compulsory or optional services of attorney before organs of administrative jurisdiction are considerably extended. These services become compulsory for all appeals (*cassation*) before the Council of State as court of last instance,⁴⁷ as well as in general for all claims before any of the previously mentioned organs of administrative jurisdiction, except in a few specified cases.⁴⁸ The position of claimant before an administrative judge has not been made more difficult by these changes: petitioning for setting aside rulings *pour excès du pouvoir* remains available to all, without formality or compulsory representation by an attorney. Nevertheless, the role of the *avocat* in administrative litigation is henceforth very definitely increased, both when it is required and when it is optional, as it is in all other matters (in which no representative beside the *avocat* is now permitted,⁴⁹ at least in principle).

By these reforms the legislature aims to secure for the new administrative tribunals the prestige which they need for their duties, in order that recourse to the Council of State by parties to litigation may be as few as possible. The same motivation underlies those provisions of the 1953 legislation which insure the high caliber of the members of these courts; their initial recruitment is practically the same as that of second-class auditors of the Council of State.⁵⁰ Unlike members of the Council of State, who are—from the administrative viewpoint—under the Minister of Justice, members of these courts⁵¹ are under

⁴⁶ Cases involving the maintenance of order, security, or the public peace, in which immediate execution would appear indispensable in the public interest, cannot be submitted to injunction. In the absence of any summary procedure (a provisory decision not basically breaking new legal ground, but intended only to forestall an irreparable prejudice), a certain extension of the injunction upon action by the 1954 reform—although always by way of exception—constitutes a partial correction of the non-suspending effect of the claim before administrative jurisdictions.

⁴⁷ Although the services of attorney, which are obligatory for claims before the Council of State as court of last instance, may be exercised only by members of a special bar (the *avocats au Conseil d'État et à la Cour de Cassation*, located in Paris), those before all other administrative jurisdictions may be exercised by all *avocats* in general, as well as by *avoués* (the latter are excluded from pleading).

⁴⁸ *Recours pour excès du pouvoir*, disputes on pension matters, individual litigation concerning civil servants, litigation which before January 1, 1954 would have been under the jurisdiction of the prefectural councils sitting as courts of first instance, and, finally, litigation under Council of State jurisdictions which, before the same date, had not required these services.

⁴⁹ In short, there is a virtual monopoly of representation, parties to disputes being able to call for the benefit of judicial assistance and to request the designation, if need be, of an *avocat d'office*.

⁵⁰ They must also have graduated from the National School of Administration, although they need not have taken first place in their respective groups; their training is completed by a period of probationary service with the litigation section of the Council of State.

⁵¹ The members of the administrative tribunals are divided as follows: one president of the administrative tribunal in Paris; three section presidents and 14 councilors of the same tribunal; 28 presidents of administrative tribunals (in the provinces); and 81 councilors (23 of the first class and 58 of the second).

the Minister of the Interior, although the decrees appointing them must be countersigned by the Minister of Justice. They are no longer under the authority of the prefect of the department in which the court sits, as were the prefectural councilors before the reform. Three out of four nominations for the higher posts in these courts are reserved for career councilors (who are on permanent duty with administrative tribunals), the fourth being available for administrative officials whose legal studies are completed, upon approval by a special commission.⁵² In this way a certain exchange of personnel between the Council of State⁵³ and the administrative tribunals is assured.⁵⁴

The Jurisprudence of the Council of State. We may now attempt to characterize briefly the general tenor of the Council of State's jurisprudence. It may be said to represent a conscious balance between the requirements of effective administrative action and principles of legality in the broadest sense, founded as much upon respect for written law as upon custom or equity. The Council of State constantly seeks a sort of reasonable synthesis of these often contradictory ideas: while safeguarding the public good, it nevertheless strives to maintain individual rights and liberties to the extent that they are not opposed to the interest of the community.

Thus, on the one hand, French administrative jurisprudence is able to respect the demands of administrative action without curbing it by pedantic formalism or even by the outright impact of legal control over administrative expediency. In practice the Administration remains free—within the framework of the law—to decide if, when, and how it must act in a given situation to best adapt its intervention to the particular conditions of each case. Except for cases where there is a direct legislative provision regarding this power to act or to refrain, the administrative judge in no sense imposes a "legal bureaucracy" upon the regular Administration. His role is to control, not to administer. Moreover, the Administration enjoys certain privileges which are recognized by administrative jurisprudence as necessary to its work, namely, the "preliminary privilege" (*privilège du préalable*)⁵⁵ and that of "spontaneous action" (*action d'office*). These privileges are so sweeping that in exceptional cases, on the occasion of extraordinary circumstances or of "*force majeure*," it countenances certain extra-legal powers of the Administration which permit it

⁵² This commission—on which representatives of the Ministry of Interior are in a minority—is presided over by the State councilor who is head of the inspection mission for administrative jurisdictions (see note 44).

⁵³ Some members of the Council of State are recruited from among the members of the administrative tribunals, for example, while masters from the Council of State may be named "for outside duty" as president of an administrative court or as councilor to the administrative court in Paris.

⁵⁴ The administrative courts are also consultative bodies: prefects may request their advice, just as the Government may request the advice of the Council of State. However, the function of the administrative courts is essentially the settlement of litigation.

⁵⁵ The possibility, in the field of explicit legislative dispositions, of taking executory decisions without previously addressing the judge, who is called into the case by the administree only if he denies the claim of the administration.

to exceed the authority conferred by legislative statute, thus allowing the administrative judge to modify the content of the law *extra* and even *contra legem* (the so-called "war powers" theory⁵⁶). Finally, in the field of administrative responsibility for offense, administrative jurisprudence establishes a sort of hierarchy of offenses according to their gravity, as against the nature of the services in question, based on a differentiation between "personal offense" and "operational offense." All in all, the Council of State preserves a remarkable moderation, seeing to it that the Administration is not hindered by a minutely detailed and burdensome judicial control.

On the other hand, the Council of State pushes the control of legality quite far, never hesitating to annul administrative acts which run counter to the general principles that it considers an independent source of the law. Although they have no direct basis in legislation, these principles are not an arbitrary invention, a mere improvisation of the Council, but rest always upon certain tangible data. They reflect the law latent in the guiding rules of jurisprudence, whose stability results from the great prudence of the judge and his sense of reality imposed by practical necessities. This source of law receives much greater emphasis in administrative jurisprudence than in civil, and its role in the conceptual scheme of the administrative judge is more important, even quantitatively. The Council of State displays a similar tendency in regard to the constant extension of control over facts. It pursues its investigation of each case vigorously in order to bring out the antecedents of the cause, to weigh the precision of the evidence, to censure errors, to verify motives, and to limit patiently but relentlessly the discretionary sphere of the Administration. The Council tends, on the one hand, to extend the area of its control as much as possible. For example, acts beyond its jurisdiction by virtue of their intrinsically political nature (the so-called *actes de gouvernement*) are, by a characteristic evolution, steadily being reduced to those which relate either to France's foreign relations, or to the relations of the Government with the houses of Parliament.⁵⁷ On the other hand, the Council consciously extends the notion of administrative wrong-doing (granting the right to take legal action against the Administration for its acts) by interpreting the criterion of "self-interest" (which the claimant must establish for litigation) to include taxpayers, electors, members of a corporation, inhabitants of a commune, heads of families, shopkeepers and businessmen, landowners, civil servants in general, and so on.

In such ways as these, the Council develops a distinctive approach. Its particular conception of legal technique and of the principles of administrative law in turn react upon the opinions rendered by the administrative sections of the Council, and on legal theory. Around these general lines of thought, which

⁵⁶ This theory, which is by no means limited to wartime events, but embraces all exceptional circumstances (*périodes critiques*) as well, is entirely of judicial origin. Certain administrative decisions which would be illegal in normal times thus become legal by virtue of certain circumstances.

⁵⁷ Administrative bodies serving Parliament are grouped with the legislative bodies *sensu stricto*; their acts thus may not be attacked before the Council of State.

find expression in the Council's *arrêts*, are created, by a continuing process, the general notions and doctrines which are developed from particular cases. One finds obvious traces of the influence of these trends in every corner and section of French administrative law as well as in the grand outlines of its doctrines.

Since we cannot fully explore the subject in such a brief study, we shall now review only the most striking legal developments introduced by the Council of State since 1945, in order to give the reader a concise picture of the general lines of the recent evolution of French administrative jurisprudence.

1. It appears to be firmly established by the Council's decisions between 1903 and 1920 that the field of application of administrative law in France is that of the *services publics*. Although this principle has never been anything but an approximation in view of the many exceptions which it has sustained since its first appearance,⁵⁸ it seemed nonetheless to have had some validity. As developed chiefly by Duguit and Jèze, this notion of "public service" has been the generally-accepted criterion for distinguishing the extending field of administrative law from that of the civil law applied to administrative activity, as well as for distinguishing the competence of the Council of State from that of ordinary courts. Thus all cases involving public officials and private citizens and arising from the execution, non-execution, or faulty execution of the public services, have been traditionally considered as falling under administrative jurisdiction and hence as depending, in the absence of a special law, upon the Council of State as administrative judge.

But in recent years this situation has been changed considerably by the government's assumption of functions that formerly were left completely or in large part to private enterprise. Particularly important has been the government's entry into the so-called commercial and industrial services, a development obviously accelerated by the nationalization measures adopted since 1945. The applicability of private law to administrative activity, which was formerly considered exceptional in the light of this doctrine of "public service," has been greatly extended. There is developing a new symmetry between these rival spheres of law, both applicable to the Administration. There can no longer be any question, even in theory, of submitting the whole public sector to a specific and original administrative law; in recent judicial thinking it is now more a matter of weighing in each case the intrinsic nature of the relationship involved, with a view to determining its specific status. This opens new complications in drawing the line of demarcation—which was never too simple and definite anyhow—between the two legal systems and between the jurisdictions of these two hierarchies of organs exercising judicial control in the field. The Council of State and the *Tribunal des Conflits* take into consideration the nature of the juridical rules applicable to each litigation; they resolve such difficulties as arise by declaring in favor of an expedient solution, the result not of preconceived ideas but of the particular characteristics of given legal situations.

⁵⁸ Whether this notion is conceived in an "organic" sense, or in a "functional" sense.

Recent developments in administrative jurisprudence thus do not bear out the myth of a single governing idea in the administrative field, that of the "public service," nor yet the supposed tendency toward a juridical monism. Attractive as the idea of a special law for administrative matters has been, it could no longer resist the evolution of life itself and the new orientation of administrative activities consequent upon that evolution. The ordinary judge now enters the field of the control of administrative activity, to the extent that it is governed by private law. As a consequence, although administrative law has not ceased to be autonomous or to play an important part, it has lost its pretended theoretical monopoly in this field. This "return" to civil law has taken place in the public services of the state-planned economy, in the relationships of the commercial and industrial services with their consumers, in the new "professional law," and elsewhere. It has been endlessly debated on the theoretical level, but no scientific solution to replace the doctrine of the "public service" has yet been found. There is even talk of a sort of "crisis of administrative law" in France.

To the extent that the theory built upon the idea of "public service" has ceased to be considered the exact reflection of the contemporary situation in positive law, the Council's role as arbiter is only reinforced, in the absence of any previous principle of systematization in the subject matter. The Council rules upon the problem for each category of cases according to the shifting necessities of life. This should convince us that the whole question does not turn upon some theoretical construction, the product of judicial fancy; here, as in all other matters, the Council of State tries to find practical solutions based upon real needs. The administrative judge remains always the faithful interpreter of administrative necessities and does not recoil from abolishing the most beautiful theoretical schemes when they seem to him no longer to correspond to the requirements mentioned or to the shifting idea of the public interest.

2. The Council of State recognizes explicitly, in ever clearer fashion, certain general principles of law that it affirms, defines,⁵⁹ and never ceases to develop, even though it always respects the law in force. These general principles, actually created by the judges, tend to form a vast ensemble of rules persistently upheld by the Council.

a. The general principle of liberty, which inspired the Declaration of the Rights of Man and of the Citizen, is still proclaimed and continues to be maintained in an ever-increasing number of aspects: liberty of conscience, freedom from all arbitrary exercise of power (for example, from restraint in the performance of legal acts), liberty of commerce and industry, and liberty of teach-

⁵⁹ We are dealing here with a new development in administrative jurisprudence, because the Council of State did not, before 1945, have recourse to general principles of law clearly recognized as such. The Council of State now speaks of them in precise fashion and places these principles on the same level as written law (they yield only to explicit dispositions of the latter).

ing.⁶⁰ Only the law can impose restrictions upon fundamental liberties or create an incapacity.

b. The principle of the equality of all before the public services (especially in the matter of taxation) is constantly proclaimed in all its forms,⁶¹ of which we may mention the following: equality of all, irrespective of race and religion or sex; equality governing the functions of the public services, having for corollary their neutrality; equality of the sacrifices that can be demanded of citizens or groups placed in the same situation; equality before taxation and the public tolls; equality of treatment for merchants engaged in similar activities; and of producers in the same category; interdiction of all privilege.

c. The principle of the non-retroactivity of laws and administrative acts—provided there is no explicit legislative disposition to the contrary and provided that these acts result in a modification of the administrative situation of the claimant. As a consequence, all retroactive measures are ruthlessly annulled by the Council of State, whether they deal with disciplinary or other matters.

d. The principle that any citizen injured in his rights or interests may institute proceedings to demand the annulment of an administrative act. The *recours pour excès de pouvoir* is thus considered to be *d'ordre public*, or generally available, even though no legislative statute expressly grants it against any and all administrative acts.

3. In the face of the steadily-multiplying encroachments of governmental activity into the sphere of private activities of the citizens, the Council of State, together with the *Tribunal des Conflits*, develops and enriches the "theory of assaults." On every occasion that the Administration, in the course of some practical activity, departs from its proper duties by committing some gross irregularity doing violence to the right of property or to a public liberty, the ordinary judge is exclusively competent. In other words, when the Administration resorts to procedures proscribed by jurisprudence, placing itself outside the law by a flagrant and manifest illegality, its act is *denaturé*, and is no longer subject to administrative law. In this situation the Administration falls under ordinary law and hence may be brought before an ordinary judge in the same way as any citizen. Means such as this are used to apportion judicial control of the Administration and to determine which law applies.

4. The Council of State has also taken account of the recent growth of a "professional power," that of the corporative public services. These professional groups, corporative in structure, constitute a sort of intermediary corps between the Administration and private organizations. Since 1940, the Council

⁶⁰ We may mention, for example, the oft-proclaimed liberty of local government bodies as over against central power, syndical liberty, freedom to choose one's work, freedom of the person from arrest, freedom of assembly (regulated by the laws in force, liberally interpreted by the Council of State), the responsibility of the state for administrative confinement in case of grave fault of the administrator, etc.

⁶¹ But while the principle of liberty is absolute, that of equality may be abridged for the benefit of certain persons or their groups, if such abridgment is in the general interest.

of State⁶² has extended its legal control to the activities of these new bodies, beginning with professional organizing committees,⁶³ and then taking in the newly created professional orders⁶⁴ (doctors, architects, dentists, veterinaries, accountants, surveyors, pharmacists, and the like). Its judicial rulings tend to assure a reasonable equilibrium between the professional organization and its members, maintaining that degree of liberty which can be reconciled with the demands of the profession (liberty of criticism, freedom of research, the realization of technical and scientific progress).⁶⁵ Thus a new and extremely important field for the activity of the Council of State has been discovered and is being extended.

The French Council of State will amply repay study by any student of comparative government, whether he be a political scientist or a jurist interested in public law. This unique institution may open new and perhaps unexpected horizons which he will find instructive and worthy of careful analysis. Such study can correct many superficial and hence inexact impressions of the French administrative regime and its legal system. It will certainly help one to understand the approach characteristic of French administrative law, an indispensable element in any thorough analysis. Nor is such study relevant only to the narrow field of this single national system, for it can provide a basis for understanding other administrative systems as well, including that of the student's own country. It furnishes the key to understanding the institutions of administrative law, born of the collaboration of administrative judge and legislator, a collaboration in which "legislative rule" is safeguarded, perhaps even occasionally supplied, by the "rule of the administrative judge." Together they insure that the democracy realized at the polls by the equal vote of each citizen is later preserved by his right to call the Administration to account before a competent and impartial judge.

⁶² The Council of State has long remained faithful to the individualist principles of the French Revolution, opposing any tendency to *socialisme municipal*.

⁶³ These committees were dissolved by law in 1946.

⁶⁴ The new professional orders have absorbed the syndicates in the liberal professions thus organized.

⁶⁵ In this manner the rights of the minority have been defended against all corporative arbitrariness, against abuse of organization, against restrictions on liberty not derived from obligations which bind to a given profession (although prescribed by the corporative codes of professional ethics), as does the autonomy of private law against the extension of professional regulations, etc.

THE DEVELOPMENT OF POLITICAL PARTIES IN WESTERN NIGERIA

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Among the various forms of indigenous political activity in Africa today, that of the nationalist parties of the British West African colonies is perhaps the most prominent. In the Gold Coast and Nigeria these parties have almost achieved self-government for their territories; they now form the government or opposition parties in elected parliaments. They should be clearly distinguished from other types of nationalist movements, such as nativistic uprisings or syncretist movements of religious or tribal associations.¹ As Coleman says: "African nationalism is not merely a peasant revolt. . . . Where it is most advanced [it] has been sparked and led by the so-called detribalized, Western-educated, middle-class intellectuals and professional Africans; by those who in terms of improved status and material standards of living have benefited most from colonialism; in short, by those who have come closest to the Western World but have been denied entry on full terms of equality."² Many of the members of these nationalist parties had, in their acceptance of a European style of life, turned their backs on the politically inert peasant mass from which they had risen, although in recent years there has been a growing interest on the part of the intellectuals in indigenous culture and history. In other parts of the world, such parties achieved power through revolution; in West Africa, the British colonial governments, in collaboration with these parties, drew up new constitutions and the party members were elected to power by ballot. To retain power the politicians have had to take party politics to the smallest towns and villages, where even nationalism had scarcely existed.³

The task, in a backward country, of a government which seeks to raise the living standards of its people largely by their own efforts, is certain to be difficult; its legislation cannot but be unpopular. The nationalist party, founded by the intellectual groups, often has little initial mass support from the people. To win such support without jeopardizing its program is its problem.

Analysis of the development of such political activity in the less advanced areas of Africa is so rare that a comparative study is not possible. In the Gold Coast and Nigeria the structure and organization of each party is unique. In

¹ For an excellent survey of these forms of political activity, see James S. Coleman, "Nationalism in Tropical Africa," this *Review*, Vol. 48, pp. 404-25 (June, 1954).

² *Ibid.*, p. 414.

³ Guided perhaps by the successful transfer of power in India, the British West African colonial governments met nationalist demands with offers of new constitutions. Some of these constitutions were barely functioning before they were superseded, but in this way outbreaks of violence, particularly such as spread to the masses, were almost completely prevented.

Nigeria the Action Group of the Western Region may be compared with the Northern Peoples' Congress of the Northern Region and the National Council of Nigeria and the Cameroons, which flourishes in both the Eastern and the Western Regions.⁴ Such parties may operate as mass parties appealing directly to the people to throw off colonial rule or they may operate through local organizations and exploit local grievances. The differences in these parties may be traced to the social structure of the country, to the past history of the party, and, where its history is short enough, to the personality of its leader. Here the development of party political activity will be considered in one area, that of the Yoruba people of the Western Region of Nigeria, where the Action Group and National Council of Nigeria and the Cameroons are the chief protagonists.

The Yoruba people are dominant in this Region, where they number almost five million.⁵ Characteristic of their settlement pattern are the many large towns: Ibadan, the Regional capital, has a population of nearly 500,000; there are three other towns (excluding Lagos, the Federal capital) whose population exceeds 100,000; and twenty-two others with populations between 20,000 and 100,000. These towns are tribal creations which existed long before the arrival of the British.⁶ Within them the people are still grouped according to their tribal lineage. British rule and economic development have resulted in little displacement of population; only a small proportion (rarely above 10 per cent and in most towns less than five per cent) of the inhabitants of a town are strangers whose birthplace is in another town. The remainder continue to live in the compounds of their own lineage, to participate fully in the affairs of their kinsfolk, and to belong to the traditional age societies. New forms of social grouping are weakening these tribal forms but the latter still strongly persist.

The Yoruba are today the wealthiest people in Nigeria; their prosperity stems directly from cocoa farming. A recent survey of the national income of Nigeria estimates the average per capita income in the Western Region as £32 per annum;⁷ but this is the regional average and the majority of the Yoruba, living within the cocoa belt, would have incomes double this figure. Three-quarters of the men are still farmers; 10 per cent are traders and clerks in trading firms and nearly 10 per cent are craftsmen. Some of the traders—the cocoa buyers and lorry owners—are wealthy men with incomes above £1,000 per

⁴ Nigeria is at present divided into three Regions, each with its own legislature and government. Lagos, the Federal capital, is excluded from these Regions. For administrative purposes, Regions are divided into Provinces and these are in turn subdivided into Divisions.

⁵ There are in addition approximately half a million Yoruba in the Northern Region. With the Hausa (Northern Region) and the Ibo (Eastern Region), they are one of the three main groups in Nigeria.

⁶ Lagos became a British possession in 1861. In 1886, representatives of the Governor interceded in the tribal wars in Yoruba country and effected a settlement. In the following years, treaties of peace and friendship were signed with many Yoruba rulers. A British Protectorate was declared in 1901.

⁷ A. R. Prest and I. G. Stewart, *The National Income of Nigeria 1950-1951* (London, 1953).

annum. The degree of literacy is not high; compulsory primary education is just beginning. The Yoruba town offers little employment to literates, so that many with primary education and almost all with secondary education leave home to find work in Ibadan or Lagos.

There are today great differences in wealth among the Yoruba, but most of this wealth has been gained by individual effort. The prosperous men have risen from the most humble origins and the descendants of the wealthy men of a generation ago are today humble men. Great prestige attaches to trading and those who rank highest in the towns are, after the traditional rulers, the wealthy traders. They are followed by those who have risen highest in the intellectual field and then by the more modest traders, the prosperous farmers, the craftsmen, and finally the poor farmers. The rapid mobility from poverty to wealth and from one occupation to another has prevented the development of class phenomena, that is, of hereditary status or class consciousness. Prestige is accorded to the man who achieves most, and such honors are open to all.

Two nationalist political parties vie for the support of the Yoruba—the National Council of Nigeria and the Cameroons (N.C.N.C.), led by Dr. Nnamdi Azikiwe (“Zik”), and the Action Group, led by Mr. Obafemi Awolowo. N.C.N.C. developed in the 1940’s out of the Democratic party, one of the earlier and more radical large Lagos nationalist parties; the name of the late Herbert Macaulay still carries an emotional appeal. The present leader, Dr. Azikiwe, a man now fifty years of age, is an Onitsha Ibo; he received his university education in the United States. He is a popular charismatic figure who can draw large crowds among the Yoruba in spite of his different tribal origin; his henchmen lead the masses in cries of “Zik,” “Zik.” But in spite of this appeal the party had, until 1951, little organization outside Lagos. To the Ibo, the N.C.N.C. is the main party, their own tribal party. The Yoruba attracted to it are the more radical elements. These include those who were, in the provincial towns, advocating self-government when the masses were still unaware of such aims, those who were “misfits” in their own society and rebelled against tribal elders or British administrators, and, at a higher level, those who had been to England and returned with left-wing political ideologies. The party has suffered in the past from lack of leadership; Dr. Azikiwe has always remained supreme but associated with him are often men of little ability. Continual rivalry for office is marked in this party, in which so many members seek to be professional politicians. Dr. Azikiwe is today a wealthy business man—the *West African Pilot*, the official organ of the N.C.N.C., and one of the leading African banks are his—and is aware of the need of his party to attract similar elements; this sometimes leads to conflict with the younger radical groups within the party.

The Action Group was founded only in 1950. Mr. Awolowo had long been associated with politics as a member of the Nigerian Youth Movement, another nationalist political party whose activities were confined largely to Lagos. In the mid-1940’s he travelled to England to study law and on his return set up in Ibadan what soon became a highly successful practice. He became Secretary of the *Egbe Omo Oduduwa*, a Yoruba cultural organization formed by the intel-

lectuals. Its aims were primarily to promote the study of the Yoruba language and history, to improve education, and similar social measures. From it the Action Group was formed as a political body. Mr. Awolowo has not been a popular figure in the same sense as Dr. Azikiwe; he is a most industrious man of the highest integrity to whom mass popularity has little appeal. He attracted to his party not only other successful lawyers or school teachers but also the support of wealthy business men. It is, however, perhaps too sweeping to describe the Action Group as the party of the "prosperous" and the N.C.N.C. among the Yoruba, as the party of the "frustrated." Rivalry for office does not characterize the Action Group; one reason for this may be the ability of Mr. Awolowo, contrasted with the personal charisma of Dr. Azikiwe; another reason is possibly the fact that acceptance of political office would mean, for many Action Group supporters, a reduced income. While the N.C.N.C., with its headquarters in Lagos, has attracted men who have almost completely severed their ties with their home towns, the members of the Action Group, based at Ibadan, are men whose business is often connected with their home town, who may take a part in the local government of their town, and who, even if they do not continually reside there, build a large house as a sign of their intention to spend their later years among their own people.

Yoruba Local Government and Its Politics. Local government and central government developed in Nigeria independently of each other. The latter grew up in Lagos, where the Legislative Council included both European civil servants and Nigerian business men and politicians. Control of the central government had been the prime aim of the Nationalist politicians. Local government grew out of the traditional councils of the Yoruba obas (kings) and chiefs which were used under the policy of Indirect Rule as the vehicles for British Administration. Some administrators hoped, in the 1930's, that the government of the traditional Yoruba kingdoms might be developed so that their rulers might form the central government of the country, thus eliminating the power of the Lagos politicians, a group for whom they had little sympathy. After the war, the demand for improved social services made constitutional changes at the central and local levels imperative. The Yoruba rulers remained largely illiterate and aged men, unable to discuss the necessary legislation, and power passed instead to the literate minority, a group rapidly becoming politically conscious.

The Yoruba town was, in the past, governed by an oba, elected from the ruling lineage by the chiefs, and his chiefs, who were either elected by the members of their lineages or had risen through the grades of title societies by election by their members and the payment of fees. The British administrators from the beginning of their rule retained this indigenous structure, which they found quite virile. They did of course make the obas subordinate to themselves and no longer to their chiefs, so that they became autocrats in their towns. The introduction of elected councillors in the 1930's and 1940's to these traditional councils arose from the frustration of the Administrative Officers, who found the aged and illiterate chiefs quite incapable of introducing modern social services

to their town or even of appreciating their value. In this way were drawn into local government literate young men who were capable of working with the chiefs and who were accepted by them. Some of these men, often only one in each town, developed into local political leaders, and so long as they retained the support of the chiefs and did not attack them as did so many literates, their popularity remained high. In recent years the number of elected councillors has grown, as attempts are made to develop the councils into local government bodies of an English pattern. The Local Government Law of 1952, promulgated by Mr. Awolowo and his Action Group government, makes the standard ratio three elected councillors to one traditional member. While undoubtedly these new councillors will in time develop a sense of responsibility, their inexperience and low standards of literacy have seldom detracted from the power or prestige of the former political leaders. These senior councillors created in each town a new political élite working with, and not in opposition to the traditional rulers. Literates who were continually critical of their chiefs received almost no public support and were not elected to office.

In each town are local societies devoted to the "improvement of the town." Such Improvement or Progressive societies are usually formed of the young literate men (and in many backward towns this means those who have only recently left school); most are teachers or clerks. One of their prime objects is the extension of education, and money is often collected to help poor scholars. They also write petitions to the British administrators or to their local councils asking for improved social services. Branches are formed in other towns where members of the home town have settled. In some cases, as in Ekiti, associations are formed which include several towns; these are more powerful not only on account of their size but also because they include men of greater experience and ability. Often the first elected councillors were the leaders of these Improvement societies, but when they were able to express their views in other ways, they lost interest in the societies, which then operated but spasmodically. In very few cases did these societies form an opposition group in the town; they were the outcome of intense local patriotism, of the desire not only to develop the town but also to make it better than the next town.

Contact between the nationalist political parties and the Yoruba towns was slight. Lagos politicians scarcely ever visited them. One exception was the tour made by Dr. Azikiwe in 1947 when he was appealing for funds to take his delegation to London to press for constitutional changes. Such visits are remembered by people today, but most are inclined to view them simply as a means of getting money for a free holiday in England; none of the benefits which they were promised then were directly realized. In some towns a local secretary was appointed, but no subsequent meetings seem to have been held. Similarly in 1950, the secretary of *Egbe Omo Oduduwa*, Mr. Isaac Delano, toured the country to gain support for the society. Collections were taken at meetings and local branches formally instituted but these never met. In Ijebu Ode,⁸ on ac-

⁸ Ijebu Ode, a town of 28,000 people, is now sixty miles by road from Lagos. Its people are noted traders and those who lived for long periods in Lagos took part in its politics and stirred up some enthusiasm in their home town.

count of its proximity to Lagos, there were branches of the Democratic party and of the Nigerian Youth Movement, but these were involved in local disputes rather than national ones, the nationalist party label being adopted to give them greater influence. The newspapers of the nationalist parties had little circulation in these towns. The *West African Pilot* had small sales, but the *Daily Service*—the organ of the Nigerian Youth Movement—was scarcely seen outside Lagos. In Ijebu Ode almost one adult male in five bought a daily newspaper, but in some of the backward towns the comparable figure was one in four hundred. In short, the policies of the nationalist parties had little currency outside Lagos.

The mass of the Yoruba viewed nationalist politics as the attempt of a few ambitious men to get themselves well-paid government posts; this, to them, was the meaning of "self-government," an aim with which they had little sympathy. They held no dislike for the British Administrative Officer; often he was ignorant and his intrusion into local feuds was a further complication, but he was patently honest and unbiassed (in relation to local politics) and not working merely to amass money for himself. His idea of justice was appreciated and one could sometimes appeal to him against the decisions of local obas or chiefs. It was he who introduced most of the improved social services to the town. Finally, possession of its own Administrative Officer conferred prestige on a town. Conversely, the politicians were not highly regarded; many were men who had dropped most of their connections with their home town, except perhaps to join in local disputes for their own gain. They were regarded as the troublesome men who did not fit into local society. It was believed that their accession to power would result only in bribery and corruption, the enrichment of their own pockets, and the halting of economic progress. "How could men," it was asked, "who took no interest in the improvement of their own town, do any good for a country?" Self-government should be postponed so that the British could develop the country further, creating a larger stratum of intellectuals and wealthy men from whom a government might be selected; this was often the view of the struggling trader who hoped one day to reach the privileged stratum.

This apathy toward nationalist aspirations, together with the lack in most towns of even a small nucleus of party followers, was the barrier which the Action Group and the N.C.N.C. had to surmount. Their efforts may be considered in two stages: the first stage being that of drawing the local leaders into a party organization; the second, that of bringing inter-party conflicts to the people themselves.

The First Stage, 1951. Elections were held throughout the Western Region in August and September, 1951 to select men for the new House of Assembly in Ibadan, set up under the MacPherson constitution.⁹ These elections were indirect; at the lowest level, men were chosen by acclamation in ward meetings

⁹ The MacPherson Constitution, named after the Governor of the period, came into force after widespread discussion by the Nigerian people. Resolutions were sent in by local government bodies and political associations and these were debated, in turn, at the divisional, provincial, regional, and central level.

presided over by the chiefs and these men together with the members of the Native Authority—the oba, chiefs, and leading councillors—sat as an Intermediate Electoral College. From this College were elected by secret ballot the members of the Final or Divisional Electoral College, where the new members of the House of Assembly were elected, each Division being entitled to from two to seven members according to its population.¹⁰

The political parties took to the field in April and May, only four months before the elections took place. In most towns each party held only one large open meeting. Dr. Azikiwe, for the N.C.N.C., visited Ado Ekiti in May; the meeting was unannounced, but the rumors of his arrival, together with the spectacle of a fleet of large American cars draped with party flags, produced an audience of 500 young men in the courthouse. Dr. Azikiwe was accompanied by a platform of party notables. These spoke on the advantages of self-government and of the need for improved social services in the town. After some well-organized singing of the party songs, 150 membership cards were sold at a shilling each and the purchasers exhorted to attend local branch meetings. Thirty people did present themselves a week later, but there seemed to be vagueness about the aims of the party, and after an attendance of three persons at the next meeting, the branch died. The Action Group sent two young field secretaries in a battered kit car; only a few people attended the meeting and the speakers were sharply criticized by two well-educated men for visiting the villages before the town, where policy *ought* to be made, and for not bringing Ekiti men to preach to their fellow countrymen; policies which suited the Ijebus (Mr. Awolowo's country-people) would not suit the Ekitis. This delegation left achieving hardly anything. Neither party sent a further delegation to hold an open meeting but later sent members to appeal privately to the obas for support. In other towns the contact with the party politicians was as slight as in Ado.

The explanations of the meaning of the election and its process were given by the British Administrative Officers, aided by numerous pamphlets produced by the Public Relations Office. For a period of two months these men toured every village, holding open meetings in market places, courthouses, and churches.

To most people the structure of parliamentary government, the qualities needed by its members, and their duties were incomprehensible. Their only solution was to appoint literate men—for these would understand better what it was all about—and to appoint men who could be trusted to stand by their home towns and to preserve their interests. At the primary and intermediate elections the majority of those elected were young men. In the more advanced districts with a number of teachers and clerks living at home or in nearby towns, these men predominated; in backward and often Moslem districts where local teachers are few, and where the literates, because of their small numbers and because, in many cases, of their mission education, are less accepted by their own

¹⁰ I have given a fuller description of these elections and an analysis of the membership of the electoral colleges in "Some Comments on the Elections in Nigeria," *Journal of African Administration*, Vol. 4, pp. 82-92 (July, 1952).

people, the majority of those elected were traders and craftsmen. Those chosen to be members of the electoral colleges had no duty but to vote; their election gave them local prestige but little else. From the beginning, the discussion in the towns centered around those who would be finally elected to sit in Ibadan.

The prime qualification necessary for those who aspired to election to the House of Assembly was a good record of service for their own towns in local government or in the sphere of education. Those who had sat on local councils and succeeded in persuading British Administrative Officers or missionaries to provide a new school or hospital were the men to be sent to Ibadan, where similar tasks were thought to await them. Several young men who returned to their home towns after long absences in Lagos, with claims of their experience, were held in very low esteem and lost their deposits. In most towns the choice was severely limited by the lack of educated men who had retained close ties with their home towns; many backward towns of the northern Yoruba had never even produced a man with a full secondary school education. Personal qualities figured largely; concerning some men there was more discussion of their moral character than of their political ability.

For the final election many candidates produced hand-bill manifestoes and a few even printed posters. These extolled the local record of public service of the candidates; men from Lagos described their professional qualifications and some gave detailed accounts of the improved social services they would demand, but their efforts were fruitless. Conspicuous by their absence were references to party allegiance. In Ado Ekiti one man cited himself as a member of the executive committee of *Egbe Omo Oduduwa*; another man, who eventually topped the poll, was a leading member of the Action Group, but he did not emphasize this and it was even alleged that such a party allegiance reduced the number of his votes. Also absent in the manifestoes were references to self-government or to the role of the British in the country.

At the Final Electoral Colleges it was noticeable that votes were almost invariably cast for candidates of one's own home town and for those of neighboring towns. There seemed to be little tendency for teachers to vote for teachers, traders for traders, or for any other form of preference based on wealth or education. Political activity at this stage was confined largely to the obas, who bargained with each other to ensure the success of the candidates from their own towns. The Action Group openly supported a few candidates in each Division but confined their canvassing to the obas. The N.C.N.C. tended to claim all the other candidates; in Ado Ekiti their leading candidate had attended a party meeting only once in his life!

Local Improvement societies provided a forum for discussing the issues raised, but few of them took sides. In the first place, they were ostensibly devoted to the progress of their own town and not interested in national politics. It also happened that candidates for both parties were their members and that to choose between them would have split the society.

This election resulted in sending to Ibadan not only the Action Group leaders, who had been elected in their home towns on the record of their interest in local affairs, but also a large number of men to whom, a year before, a seat in the House of Assembly would have been a fanciful dream. Many of the

latter were men who had never taken any part in nationalist politics; their allegiance to the Action Group was little more than an expression of sympathy with the prosperous Yoruba traders and lawyers. Some of them had scarcely moved outside their own home town but were, within it, prominent councillors. When it was seen that the Action Group had won the election by a large majority, some Assembly men who had fought as Independents joined the party and a few even openly changed their allegiance from the N.C.N.C. to the Action Group. When the Action Group party first assembled at Ibadan, it contained a nucleus of active politicians, to whom went most of the ministerial posts, together with a large group of almost non-political members interested only in the welfare of their own towns. To the leaders fell the task of welding these into a group and instructing them in party discipline. For the support of their party, they contributed one tenth of their salaries to party funds.

The Second Stage, 1952-54. The first year of the new constitution was a quiet one in the Yoruba towns. The two political parties, the Action Group and the N.C.N.C., were developing their own internal structures. Some important legislation was passed, but the major enactment, that of the Local Government Law, was not completed until February, 1953. Although the bill was the subject of long debates both in the House of Assembly and the House of Chiefs, the discussion was not carried to the mass of the people. In fact when it came into operation several people who should have known better thought it was merely another reform by the British Administrative Officers. Members of the House of Assembly were supposed to give accounts of their meetings to their local people; some appear to have made reports to their local councils, but only occasionally, and the mass of the people remained ignorant of the working of their new government. Conversely, the political leaders do not seem to have felt the need to increase greatly their contact with the people.

Increased political activity came with the elections for local government councils, set up under the new law, which were first held in June, 1953 and are still proceeding as the law is implemented in each Division. The majority of councillors are returned unopposed, being selected long in advance of the election day at ward meetings presided over by elders. But where contests take place these have usually been along party lines, candidates using the party symbols for their ballot boxes. Political activity became considerably more intense as the elections (by secret ballot, direct vote, and adult male suffrage) approached for the Federal House of Representatives set up under the Revised Constitution. Today the Action Group members may be judged by their legislation, that which most directly affects the people being the increased taxation, the reduced status of the chiefs, and free primary education.

The development of party organization proceeded but slowly. Most of the activity stimulated in 1951 had, by mid-1953, completely died. At their Warri Conference in December, 1953, it was reported that the Action Group had 185 branches in 1951 but that in 1952 only 45 could be considered active and the stimulus of local government elections had raised this to only 81 by the end of 1953. Most Yoruba towns are represented by Action Group members of the House of Assembly and these are supposed to be the party leaders in their towns;

occasionally another local man, often a teacher, is nominally president or secretary of the local branch. Wealthy traders are often invited as presidents or patrons of branches, since they not only provide financial support but also lend the party their own high prestige in the town. Opposition parties also seek support by creating rivalry among the wealthy for such recognition. Branches of the N.C.N.C. are equally feebly developed in most towns. By 1954 the Ijebu Ode branch was well organized and conducting fairly regular open meetings; in Ibadan and Iwo, a large but relatively backward town twenty-seven miles from Ibadan, local political organizations, allied in the former case with the N.C.N.C., contested the local government elections in early 1954. But these were exceptions. Frequent public meetings, except at election time, were not common in either party. The Action Group meetings tended to be private cliques assembled in the house of the local member. Membership of both parties was by payment of a small annual fee, often only a shilling, and insofar as people had been canvassed they joined, but quite large towns numbered their party members in tens and rarely in hundreds. Local party leaders complained that members had no conception of a duty to attend meetings. The local branches, having no secretariat, scarcely need funds for their own operation. Action Group funds came from the levy made on members of the House of Assembly and from the donations of wealthy business men. Their own central secretariat in Ibadan was in 1953 very small, consisting only of a party manager, an administrative secretary, and a field staff of three organizing secretaries and three Divisional secretaries (this for a Region with a population of 6,500,000 persons). In June, 1953 a Fighting Fund was launched to collect £150,000 to build a permanent secretariat and for other developments; this was a complete fiasco. At a few meetings rich men contributed large sums, some reaching £1,000 and more, but there was no organization which could raise money from the rest of the people.

Links between local party branches and the central party organization are weak. Most local branch secretaries, when questioned, seem to have no regular channel of communication with their leaders; some have only the most vague ideas about party policy, which reading the party newspaper would soon correct. Even at election times the Action Group has seemed unable to provide its branches with literature either for general distribution or even for educating the local party members. The work of the N.C.N.C. leaders often seems confined to arbitrating in disputes in their local branches.

While the development of party organization scarcely affected the people, the Action Group legislation did. The accession to power of an African government meant little, in practical terms, for most of the people; neither was there any quick reform which such a government could promote to free the people from such burdens as landlordism or indebtedness. Increased social services could be provided only if increased taxes were paid and in many areas the flat rate of tax, together with local rates, rose from 15/- to 30/- per adult male. (In the previous twenty-five years of British rule taxation rates had remained almost stationary). In many areas this tax was collected in three stages—the new health and education levy, the flat rate, and the assessment tax—so that men were being pestered for money for almost six months. Action Group legislation

has also reduced the numbers of chiefs sitting on local councils, and reforms of the native courts, substituting a trained man for a bench of illiterate chiefs, are being considered. With these changes chiefs will probably lose their incomes and with so little financial inducement to men to take titles, chieftaincy may lapse.

These issues do not divide the people into sharply opposed groups. Most educated men realize that social services can be provided only by increased taxation; the mass of the people object to paying this tax. The tax is graduated only slightly, so that wealthy men pay a scarcely higher percentage of their income in taxes than the poorest. The poorer groups are thus hardest hit by the new tax, but this is rarely mentioned in opposition propaganda. Similarly, while many people would admit that the aged and illiterate chiefs are not competent to carry out the modern duties of local government and judicial courts, any measure which threatens chieftaincy raises a universal emotional opposition.

It naturally takes time for any government to produce economic changes apparent to the people. After two years of rule, only the politicians with large salaries and opulent American cars (for which they received loans in the manner of government employees) seemed, to the masses, to have benefited. Business men who supported the Action Group were seen to be in receipt of large government loans; most of these were in fact issued before the Action Group came to power and merely illustrated the tendency for these men to support the party in power. "Life More Abundant," the Action Group party slogan, soon became an epithet of abuse to hurl back at the politicians.

These are the issues which make up most of the arguments used in party politics today; but since they do not divide the people, the split into opposing party groups in the Yoruba towns takes place along other lines.

In the recent local government elections, the majority of the seats have been uncontested; only in 34 wards out of a total of 279 did voting take place in Ijebu Remo Division in June, 1953 (this low figure will probably prove an exception with the present increased political activity). In the remaining wards the candidates were selected at meetings of the ward held in the compound of a chief. Most of these uncontested seats were held by the Action Group, the people not wishing to oppose the government. In some cases where the selected candidate was a member of the N.C.N.C. he quietly changed his allegiance to suit his people.

Where wards in Ijebu Remo Division were contested, the division appears to have been along the lines of a recent dispute over the succession to the throne of the oba. In Shagamu, the N.C.N.C. was led by a son of the late oba who had recently unsuccessfully claimed the throne, but who was highly popular. In Ikenne, the N.C.N.C. leader was also an unsuccessful claimant to the throne, the new oba having been installed through the efforts of Mr. Awolowo, himself a native of this town. Although these title disputes should, in theory, be settled by the chiefs and certain other performers of ritual, most members of the town take sides with the rival claimants, many supporting them financially during the conflict. In another town, recently the scene of a long title dispute, one of those who had opposed the installation of the new oba said that he had been invited by the N.C.N.C. to start a party branch in his town.

Tribal disputes cannot divide towns but they may determine the allegiance of a majority of the town. In Ibadan the local government elections were recently won by the N.C.N.C. not only because of their better organization in this instance, and of a reaction against the previous councillors, but also because of the traditional hostility between the Ibadan and Ijebu, the Action Group being described as a party of Ijebus. The Olubadan, ruler of the town, himself supported the N.C.N.C.

In most towns may be found a few young men—and even some elders—who seem by their temperament destined to lead an opposition, whatever its policy. How far these can create a party depends on their organizing ability. In the Iwo local government elections such a party was highly successful, winning a majority of seats in the town but none in the smaller towns and villages. This party was led by two men; one had been a government clerk who retired in his home town and because of his education and experience felt that he ought to improve its administration (an Administrative Officer probably suggested this to him as well); his efforts in the ensuing years seemed designed to prove the incompetence of the chiefs and the corruption of the councillors; he was distrusted by these and little respected by the mass of the people. The second man, much younger, has seen army service in the Middle East and is a highly intelligent man; his only offense was to seduce the wife of a co-worker, a most serious offense in Yoruba custom for which he will perhaps never atone. For several years he had been active in local politics, sometimes forming new Improvement societies in opposition to the one dominant in the town. These two men by their superior organizing ability, aided only slightly by the N.C.N.C. leader in Ibadan, fought an election campaign using as their main issues taxation and chieftaincy. They were successful mainly in their own and neighboring wards and where the previous councillors had become most disliked. Whether they will be able to lead a party for a long period in addition to crystallizing the forces of opposition remains to be seen. In other towns the N.C.N.C. and other opposition parties are often led by similar men; some are well-educated men who have become frustrated by their failure to gain recognition in their own town; others are letter writers—semi-literates who earn a living by typing petitions and otherwise becoming involved in local disputes—who are persons of little prestige as a group and who seem to have been responsible for many short-lived societies in their towns.

These points were well illustrated by the elections held in November, 1954 to the Federal House of Representatives. In the Yoruba Provinces, the Action Group and the N.C.N.C. each polled approximately 50 per cent of the votes cast. This election differed from earlier local government elections: the constituencies were much larger—averaging 150,000 persons each—and personalities played a relatively smaller part. The election was a straight fight between the two parties, the main issues being the legislative record of the Action Group. In many areas the sentiment created by local opposition leaders was so great that a N.C.N.C. candidate was elected in spite of his personal unpopularity. That the Action Group polled so few votes came as a surprise to their leaders. Considerable sums of money had been spent on loudspeaker vans and on employing party secretaries in the major towns. The success of the N.C.N.C., how-

ever, was not, as most of their leaders claimed, due to their superior policy or organization. In the Yoruba towns their candidates won where the local branches had little or no contact with the party headquarters; they fought the elections with the most limited financial resources; they had little policy but that of opposition.

In the months following the election, neither party gave signs of learning the lessons that it contained. The Action Group secretariat dismissed many of its workers and the local branches continued to consist of cliques of the more prosperous men. The N.C.N.C. has failed to take advantage of the evident unpopularity of its opponent by making more and stronger contacts with its local party branches, though the latter, heartened by their success, have retained much local power.

In this election the Action Group was attacked for the rise to wealth of its leaders and for the loans and contracts believed to be the rewards of its supporters. As a result the Action Group is increasingly regarded as a party of the rich, while the N.C.N.C. champions the common man.

Party Politics Today. The political parties of the Western Region of Nigeria are still in a very early stage of their development. Their organization grows with every election to local, Regional, or Federal government and their progress since 1951 is sufficient indication of their rate of development. Both the Group and the N.C.N.C., especially the former, are caucus parties.¹¹ The caucus is a select group of notables wielding great influence. The Action Group leaders attracted to their party not only the new political élite in the Yoruba towns who were elected to the House of Assembly in 1951, but also the obas who sit in the House of Chiefs. Almost all of these support the Action Group if for no other reason than that to oppose would be suicide; N.C.N.C. members are now claiming to support the obas and chiefs but they are often men who have consistently opposed them in the past, while the Action Group local councillors have in some cases recently improved the salaries of their own oba and chiefs. The local politicians and the obas have the support too of many of the local business men. Thus the Action Group is supported by a greater part of those whose prestige ranks highest in the town. The N.C.N.C. on the other hand, since becoming the opposition party, has endeavored to foster the discontented elements in each town and often contains an ill-mixed assortment of educated doctrinaire left-wing nationalists, letter writers, and title claimants. Many of these local party groups claiming membership of N.C.N.C. have, in fact, very few links with the headquarters of the party. Some of them, however, have a well-developed local organization; officers are appointed, membership fees regularly collected, and some discipline exercised over would-be candidates at election times. Such organization reaches its peak with election activity.

Yoruba social structure does not contain divisions of a conventional politico-economic nature; neither is there much indication that the rival parties would, in power, pursue markedly different policies. Traditional social group-

¹¹ One of the categories used by Maurice Duverger in his *Political Parties, Their Organization and Activity in the Modern State*, tr. North (New York, 1954).

ings into lineages and wards are still virile and it is at meetings of these that the local councillors have been chosen. One party newspaper recently claimed that the task of the party leaders was not to preach to the masses but to pick the likely winners among the candidates and draw them into the party. For the politicians, however, parties are today a necessary part of their organization. The opposition parties must stimulate feeling against the party in power if they are to succeed at the next election. The Action Group, in face of the unpopularity of some of their legislation which has already caused rioting, must build up more mass support in the towns.

At election times, therefore, old factions in the towns are revived; the opposition criticizes the Action Group for its taxation and for its policy towards the obas and chiefs. It abuses its members for making of national politics merely a lucrative occupation for themselves. At many elections, however, the propaganda degenerates into exchanges of proverbs based on the symbols used by the respective parties.

The creation of such party political divisions is causing some apprehension. The government of the Yoruba town has, by tradition, the duty of maintaining peace and harmony. When chiefs came to a decision it was always a unanimous one. An oba was judged by the manner in which he settled differences, and however acrimonious a title dispute might be, the early efforts of the new holder were to reconcile his opponents by entertaining them with kola nuts and receiving their allegiance. Political elections are often deplored by the elders when these reopen old disputes and every effort is made to settle the contest at a traditional meeting where an ostensibly unanimous decision may be reached.

The leadership of the town by the oba and by the more influential councillors is weakened. Those local leaders who were elected to the House of Assembly have lost much prestige; they were sent to Ibadan to get social services for their own town and yet the most noticeable result of their activity is higher taxation. Many of those of poorer education were not even able to make eloquent speeches on behalf of their constituents. Several such members, being faced with the rival claims of loyalty, to their town or to their party, have on occasions chosen the former and have done little to urge the acceptance of their party's legislation in their own towns, thus throwing the whole burden on a few party leaders who have, in the past two years, spent much of their time campaigning throughout the Region. The obas can disclaim direct responsibility for legislation but their allegiance to a party often prevents them from taking a leading part in local issues; many of them seriously need the popular support that such activity would give them. Most obas take sides during elections and a few campaign energetically if secretly. This earns them the criticism of the politicians opposed to them, which further weakens their position in the town, where such political roles are not generally accepted. A town permanently divided into rival political groups means a slow adjustment in the roles of the oba and chiefs and of the élite of the town. Through the declining popularity of this élite, the Action Group leaders are seriously weakening their main link with the mass of the people.

In spite of its policies, which have done little to bring immediate benefits to the poorer people, the Action Group still enjoys the support of a large part, perhaps of the majority, of the Yoruba people. This is partly because it commands the allegiance of the obas and the local élites; partly because the various opposition groups seem incapable of providing a stable government; but largely because it is the party in power. There is little evidence of corruption among the Action Group leaders yet the belief exists among the mass of the people that only party supporters will get anything done for them. Business men join the party so that their applications for government loans may not be jeopardized; one such man started organizing a local branch when he thought that his loan application was due for consideration; when it was refused, his party activity ceased and he became a critic once more! Local government councils are anxious to display their party allegiance by votes of confidence and resolutions on national issues far outside their competence, for it is felt that a Ministry of Local Government will ignore all pleas from a council with an opposition majority. In one recent election the main Action Group theme was that only its own councillors would be able to get anything done. Young men who help organize local party branches often do so only in the belief that they will be immediately rewarded with well-paid posts in the party secretariat. These are delusions, yet they have a powerful hold on the minds of the people.

The main outline of the development of political parties in Western Nigeria may be briefly recapitulated. Nationalist politics started in Nigeria in Lagos, where the parties were led by the rising intelligentsia, who aimed to throw off the yoke of British Imperialism. When political power was given to the mass of the people, it was the Action Group that gained the overwhelming support of the Yoruba. Its leaders were the Yoruba élite—prosperous lawyers, teachers, and business men; it was a party confined largely to Yoruba and hence able to play on tribal sentiments. It won the support of the traditional rulers and of the local élites of the provincial towns. Those who were successful at the elections it welded into a parliamentary party. The Action Group has continued to maintain its contact with the people through the obas and its wealthy supporters. It has claimed to support the obas and chiefs (though with little justification) and has benefited the more prosperous section of the community; but the obas have lost much of their charismatic authority through interfering in party politics, and the members of the local élite have lost respect through failing to produce the promised benefits for their town, presenting their people instead with higher taxation. This discontent has been canalized locally by several opposition leaders, but has yet to be effectively exploited on a Regional scale. Successive elections at local, Regional, and Federal levels have maintained a continuous interest in party politics—with the result that the Action Group is beginning to be widely regarded as a party of the prosperous men. That some towns have developed into N.C.N.C. strongholds is, however, due not so much to the peculiar social or economic structure of their populations as to local personalities, their feuds and loyalties. How far such development is typical in African societies is a subject which merits more study.

THE NEW ZEALAND LABOR PARTY*

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I

The New Zealand Labor party came into being after years of indecision and disunity, and many false starts. The history of this movement lies outside the scope of this article, but a brief discussion of the basic cleavages which divided labor before 1916, and of the circumstances under which the party was organized, may help to clarify some of the points in the analysis of its present-day structure and problems which is attempted in the pages ahead.

The geography and economy of New Zealand encouraged small, widely scattered productive units and decentralized unions relatively weak in bargaining power. The economy is dependent largely upon agriculture and the earlier industries were concerned chiefly with the processing of primary products such as butter, cheese, and meat. The thinly scattered population,¹ the remoteness of the "four main centers" (Auckland, Wellington, Christchurch, and Dunedin) and many of the provincial towns, the variations in conditions from locality to locality, and the absence of mass production industries discouraged the development of a cohesive labor movement ready to support its demands by unified industrial action. Among those groups of workers who were thrown together on the job, such as the "watersiders" (dockworkers) and the miners, there was greater solidarity than among others and these were more inclined to press their claims by direct action.² The trades and labor councils that de-

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¹ In 1871, 254,928; in 1881, 487,889; in 1891, 624,455; in 1901, 770,304; in 1911, 1,005,585; and in 1921, 1,214,677. These figures are exclusive of Maoris.

² For a good, brief description of the New Zealand economy see Horace Belshaw, "Economic Organization," in Belshaw (ed.), *New Zealand*, United Nations Series (University of California Press, Berkeley, 1947). The best description of the industrial movement is A. E. C. Hare, *Report on Industrial Relations in New Zealand*, published for Victoria University College (Wellington, 1946). Although completed almost ten years ago, this evaluation is in the main still valid. There is no full-length study of the New Zealand labor movement but the following are helpful: J. D. Salmond, *New Zealand Labour's Pioneering Days; The History of the Labour Movement in New Zealand from 1840 to 1894* (Auckland, 1950); D. W. Crowley, "New Zealand Labour Movement, 1894-1913" (Otago University Honors thesis, 1946); and the shorter version of this thesis in "Outline History of the New Zealand Labour Movement, 1894-1913," *Historical Studies, Australia and New Zealand*, Vol. 4, No. 16. The *Maoriland Worker*, published by the "Red Fed" after 1910, is a valuable source.

veloped in the various centers and met in Dominion-wide annual congresses after 1891 were the stronghold of the more moderate unions. Periodically their tactics were challenged by the militant groups, and differences crystallized in the formation of rival organizations.

The most serious challenge to the leadership of the trades and labor councils came from the Federation of Labor, organized in 1909. Better known as the "Red Fed" it adopted the I.W.W. slogan, "The World's Wealth for the World's Workers," proclaimed the class war from the housetops, and spread the twin doctrines of industrial unionism and direct action.³ A major issue between the "Red Fed" and the trades councils was the arbitration system. In the election of 1890, local labor groups had joined the Liberals in turning the Conservatives out of office, and the impressive program of legislation enacted under the Liberal-Labor alliance that followed had included the Industrial Conciliation and Arbitration Act of 1894. Inaugurating a system of compulsory arbitration designed to protect the weak from exploitation, this act, with important amendments is still in operation. From the outset some viewed it as "Labour's leg-iron,"⁴ but although there had been much dissatisfaction over specific awards, the trades and labor councils remained loyal to arbitration as a system and to political action as a method. In the struggles which followed the organization of the "Red Fed," militancy was crushed and the organization's leaders, convinced that direct action could not succeed until there was more class consciousness and solidarity among the workers, eventually joined the moderates in forming the present party in 1916. Nevertheless, there remains a strain of militancy and political agnosticism which rebels periodically against the arbitration system and the tactics of the moderates. During the years after the First World War, when wages failed to keep pace with living costs, the Trades and Labor Council was challenged by an Alliance of Labor, organized on industrial lines, and the competing groups were not merged into the present New Zealand Federation until 1937.

Disagreements over industrial matters were sharpened by the introduction of compulsory unionism after the Labor government came to power. Since 1936, all workers employed in an industry covered by an arbitration award must belong to the union. A powerful sanction behind these awards is the threat of deregistration and the provision that any 15 workers may apply to register a new union. Recalcitrant groups may find themselves threatened with rivals under more conciliatory leadership, and may even face the unpleasant alternative of joining the new union or leaving the industry. Militants maintain that reluctant unionists are not good unionists, that compulsory unionism has sapped the movement of its vitality, and that unions are run by self-perpetuating oligarchies. They also argue that compulsory unionism throws control of

³ For a graphic account of this movement by one of its leading spirits, see P. H. Hickey, "Red Fed." *Memoirs: Being a Brief Survey of the Federation of Labour from 1908 to 1916*, New Zealand Worker Print, 1925.

⁴ This expression was used by H. E. Holland, the first leader of the present Labor party.

the Federation of Labor into the hands of clerks and shop assistants with a middle-class orientation, and that the Federation follows an overly cautious policy in industrial matters. Something of the "Red Fed" tradition survived in the militancy of the groups which attempted to organize a breakaway Trade Union Congress in 1950, and in the following year precipitated the most serious industrial upheaval New Zealand had experienced for a generation.

The party that was formed in 1916 brought together groups which had been as sharply divided over political tactics and social objectives as they had been over industrial policy. As we have seen, labor turned to the ballot-box in 1890, and local labor groups had helped the Liberals to defeat the Conservative government in that year.⁵ For more than a decade Labor was a very junior partner in an informal Liberal-Labor alliance. During these years the annual conference of the trades and labor councils was the only gathering which could claim to represent the movement throughout the Dominion and it discussed policy, passed resolutions, and sent deputations to parliament. As the economic position of the workers worsened, and Labor's close association with the Liberals became less profitable, there was pressure within the trades councils for an independent Labor party. For a variety of reasons this movement met stubborn resistance; a series of attempts to launch an independent party under the *aegis* of the trades and labor councils, made between 1906 and 1913, failed to command united support.⁶

In the meantime the banner of independence had been raised by a small group of Socialists who, from 1900 on, preached the Marxian doctrines of the class struggle and social revolution. Although the "Red Fed" put its faith in industrial rather than political action, many of its leaders were identified with the Socialist party, the programs of the two organizations were very similar, and the *Maoriland Worker*, which was the official paper of the "Red Fed," carried on a vigorous crusade for class conscious, socialist political action, as well as for industrial unionism. Defeated in a strike in the Waihi mines in 1912, and convinced that the ranks of labor must be consolidated at all costs, militants took the initiative in calling a conference which attempted to unify labor's political activity in a new Social Democratic party. Even its milder Fabian tones failed to win much support, and discouraged by the disastrous failure of

⁵ Twenty-one of the 34 candidates supported by local labor groups or *ad hoc* committees were elected. All but five of these were Liberals who had been endorsed but not selected by labor.

⁶ Among the more important stumbling blocks to winning the trades and labor councils to the idea of independence were the unwillingness of Labor parliamentarians to burn their political bridges behind them, the feeling of many unionists that independence would be suicide, and the adroitness of Richard Seddon, the Liberal leader, in nipping incipient insurgency in the bud by appointing its leaders to office. A Political Labor League, launched in 1904, went out of existence in 1909; a "New Zealand Labour Party," created by vote of the Trades and Labor Council conference of 1910, functioned only in the election of 1911, being superseded by the United Labor party in 1912. The last organization was an attempt to fuse the industrial and political activities of labor in a single organization, as well as to compromise the divergent points of view of "arbitrationists," "direct actionists," and "socialists."

the 1913 maritime strike and by the success of non-socialist labor candidates in the election the following year,⁷ Socialist leaders were ready to join more moderate elements in forming a party willing to assert Labor's independence inside as well as outside parliament.

At the same time, a series of political developments strengthened the hand of those in the trades councils who were predisposed toward an independent parliamentary Labor group. After the conservative Reform party came to power in 1912, the coercive action of the Massey government in the Waihi strike and the willingness of Sir Joseph Ward, the Liberal standard-bearer, to identify himself with a National war cabinet headed by Massey alienated many who had previously clung to the Liberal alliance. As the war progressed, dissatisfaction with the government's war policies and the rising cost of living tended to unify labor. Compulsory military service was strongly opposed, and when anti-conscription speeches were classified as seditious, and labor leaders were sent to jail, many moderate unionists joined pacifists and international socialists in protest.

Inside and outside parliament, formerly warring groups had been drawn close together before 1916; the conference which resolved in July that "the time has arrived for the formation of a New Zealand Labour Party for the purpose of consolidating the political forces of Labour" did little more than formalize and perpetuate machinery through which groups with divergent aims had been cooperating in local and by-elections since 1914.

In its initial constitution the new party boldly stated its objective as "the socialisation of the means of production, distribution and exchange." But the specific planks that followed reflected the moderate views of the bulk of the unionists and it was the spirit of reform rather than reconstruction which was to prevail in the years ahead. The socialist objective has long since been dropped from the constitution.⁸ When the party took office in 1935 its slogans were "Security and Prosperity for All" and "Maximum Production and Equitable Distribution." Faced with the emergency of the depression and the war, it applied pragmatic solutions to concrete problems; capitalism was modified, but the party found no viable alternative to a mixed economy.

Attempts to win the New Zealand labor movement to Marxian socialism or

⁷ Of the 18 candidates in that election, nine had been selected by the Social Democratic party, five had been sponsored by local "Labor Representation Committees," and the remaining four ran with the support of other local labor groups, sometimes with Liberal support. Of the six who were elected, only two had been endorsed by the Social Democratic party. The election, held in an atmosphere of patriotic enthusiasm shortly after the outbreak of the war, strengthened the position of the Reform party in parliament.

⁸ The party's present aims are stated as follows: "The purpose of the Party is to educate the public in the principles of Co-operation and Socialism; to elect competent men and women to Parliament and Local Authorities; and to ensure the just distribution of the production and services of New Zealand. . . . The objective of the Party is to promote and protect the freedom of the people and their political, social, economic and cultural welfare." When the constitution was revised in 1951, a motion to reinstate the original socialist objective was defeated by a vote of 149 to 359.

even to clear-cut Fabian aims and tactics had been defeated before the present party was formed. Nevertheless, the movement has always included a small but active and persistent group of dedicated socialists. To many of them, "socialism" is little more than a vague ideal eliciting a favorable emotional response; few have a very clear idea of the differences between a capitalist and a socialist society or of how the transition is to be made. Without a firm philosophical basis or sense of direction even at the outset, after 1917 they were further divided and confused by the tensions generated by the Russian Bolshevik revolution. But in spite of its small numbers and lack of unity, the importance of this group should not be discounted. The first three leaders of the Labor party were drawn from it,⁹ many of the most active branch members are identified with it, and when differences over industrial policy arise, the division between "militants" and "moderates" tends to merge with the hazier differences between "socialists" and "non-socialists" to form a vague "left" and "right." Under favorable conditions the "left" may become an important nucleus of disaffection and even of open revolt.

From its organization to the great depression, Labor's strength in parliament grew slowly.¹⁰ Until 1931 it was one of three parties. In that year the Reform party and the old Liberals (rechristened the United party) merged into what eventually became the National party. An essentially two-party alignment has continued to the present.¹¹ Labor's percentage of the total vote rose from 26.4 in 1928 to 34.9 in 1931. In 1935, with 47.3 per cent of the vote and 53 seats in the House of Representatives, the party assumed the reins of government. It reached the peak of its electoral support in 1938 and retained office in 1943 and 1946. At the general election of 1949, Labor was defeated; it was unable to win

⁹ H. E. Holland, M. J. Savage, and Peter Fraser.

¹⁰ The following table, compiled from the official election figures published after each general election, tells the story. Only the votes for *endorsed* Labor candidates are included. Maori as well as European electorates are given.

Year	Candidates Elected	Vote Polled	Per cent of Total Voted Polled
1919	8	132,715	24.4
1922	17	145,148	23.3
1925	12	184,616	27.5
1928	19	196,385	26.4
1931	24	291,991	34.9
1935	53	392,965	47.3
1938	53	528,296	55.8
1943	45	447,918	47.4
1946	42	537,632	51.4
1949	34	506,100	47.1
1951	30	499,143	45.8

¹¹ For a brief account of the development of New Zealand parties, see Leslie Lipson, *The Politics of Equality: New Zealand's Adventure in Democracy* (Chicago, 1948).

back its majority in 1951 or 1954, although it gained some seats in the latter election.¹²

Labor's early support came largely from working-class areas in industrial and mining centers. After 1928, however, it gained in lower middle class areas; in the landslide victory of 1935, it made its most spectacular gains in country-town and rural electorates.¹³ The view that Labor as a party is still dependent upon groups outside the labor movement for a parliamentary majority has been stressed recently by the Honorable A. H. Nordmeyer. As he put it in his presidential address to the 1951 party conference:

. . . It must never be forgotten that in a country like New Zealand, not as highly industrialized as many other lands, Labour cannot rely for its support on industrial labour alone. Political Labour can only attain power by attracting the support and votes of other sections as well. Anyone who thinks otherwise is blind to the facts of history and of recent experience in this country.¹⁴

II

Like its British and Australian counterparts, the New Zealand Labor party rests upon three cornerstones: the representative party hierarchy with the individual membership as its base, the parliamentary Labor group, and the affiliated trade unions from which it draws its most dependable support. Although the membership of the Federation of Labor and the party is not identical and relations between them are not always harmonious, most unions are identified with both the party and the federation.

The important organs of the party hierarchy are the local branch, the Labor-Representation Committee or "L.R.C.," the annual conference, and the national executive.¹⁵ From 1914 on, labor groups in many centers had coordinated their efforts through informal Labor Representation Committees; in the con-

¹² The surprise of the 1954 election was the heavy vote polled for the candidates of a revived Social Credit Political League. Although none of its candidates was elected, it polled more than 11 per cent of the total votes and resulted in the election of 25 candidates without an absolute majority, an unusual situation in New Zealand. The success of the Social Credit Political League suggests dissatisfaction with both of the other parties.

¹³ R. M. Chapman, "The Significance of the 1928 Election, A Study in Certain Trends in New Zealand Politics during the Nineteen-Twenties," Auckland University College M.A. thesis. In this significant statistical study electorates are classified in five groups: city; town; country-town; balanced (town and country); and rural. In 1935 the Labor vote rose in all classes of electorates, but the increase was 69 per cent in country-town seats, 45 per cent in rural seats, 40 per cent in the towns, and only 27 per cent in the cities. Chapman advances the thesis that by 1925 Labor had absorbed the "manual worker" seats, and from then on further gains were at the expense of the Reform party.

¹⁴ Mr. Nordmeyer was speaking at the time of the dispute on the waterfront.

¹⁵ The organization is set forth in New Zealand Labor Party, *Constitution with L.R.C. and Branch Rules*, as amended at the 1951 conference. The citations which follow are to this edition of the constitution unless otherwise indicated. Much of what follows is drawn from personal observation at Wellington L.R.C. meetings over a period of six months, and attendance at single L.R.C. and branch meetings at Palmerston North ("fat lamb" country), Hamilton (dairying), Greymouth (West Coast mining), and Oamaru (South Island agricultural), as well as Auckland, Christchurch, and Dunedin.

stitution as drafted in 1916 these were continued as the basic units of the new party. The branches were added in 1917, and in spite of repeated efforts to merge branches and L.R.C.'s into a single unit, both have been continued.

A branch is a small unit of ten or more members over 18 years of age who subscribe to the constitution and policy of the party, are not members of organizations declared to be incompatible with membership of the party, and who pay the requisite dues.¹⁶ Persons qualifying as branch members do so as individuals; identification with an affiliated union does not automatically entitle one to branch membership, and branches include persons who are identified with unaffiliated unions or with nonunionized professions such as teaching or law.¹⁷ By 1952, over 600 branches were in existence, ranging in membership from ten to hundreds, with 60 to 80 the norm. Although branches are identified with geographical areas, residence in the specified locality is not a prerequisite for membership. Some branches, in fact, become somewhat feudal in character, forming about a forceful or ambitious personality who may have been the leader of a faction defeated elsewhere. No person may belong to more than one branch, a person refused admission to one branch is not eligible to membership in another branch without the approval of the L.R.C. having jurisdiction over the latter branch, and the registration of new branches is subject to the approval of the national executive. In addition to the "ordinary" branches already described, special women's, junior, and Maori branches may be organized. Membership in a special branch does not disqualify one for membership in an ordinary branch; dual memberships among women are not infrequent.

The L.R.C. functions in a geographical area, the boundaries of which usually coincide with those of the electorates from which members of the House of Representatives are chosen. In no case is an electorate divided between two or more L.R.C.'s.¹⁸ Thus its jurisdiction is much wider than that of the branch; several branches or parts of branches come within its supervision. Including delegates from affiliated unions as well as branches, with representation roughly scaled to the membership of the group represented, delegates from trade unions usually outnumber those from the branches.¹⁹ Subject to the control of the national executive, the L.R.C. exercises extensive power in the area of its jurisdiction. Meetings must be held at least monthly; some L.R.C.'s meet of-

¹⁶ The Constitution (Sec. 14 A) fixes minimum branch dues at five shillings per member.

¹⁷ For example, in 1952 the Clerical Workers' Union, an affiliate of the Federation of Labor, was not affiliated with the party, but some of its members were active in party branches.

¹⁸ The jurisdiction of a few L.R.C.'s (*e.g.*, Wellington) covers several electorates.

¹⁹ As of 1952, branches and affiliations were entitled to the following representation: 50 members, one delegate; 51 to 125 members, two delegates; 126 to 200 members, three delegates; 201 to 300 members, four delegates, with one additional delegate for every additional 100 members up to a maximum of seven.

In the Auckland L.R.C. there were approximately 50 delegates from trade unions and 40 from branches; 121 of the 176 representatives in the North Canterbury L.R.C. (Christchurch) were from affiliated unions; in the rural area of Oamaru, 26 of the 40 delegates represented unions.

tener. The president, vice-president, secretary-treasurer, and five other members elected annually by the L.R.C. constitute an executive committee. The powers of this body are not defined very precisely and vary widely in practice, but it is always an important focus of leadership and control.

The party's central organs are a national executive, a "head office" or permanent secretariat, and an annual conference. The president, vice-president, secretary-treasurer, and five of the other members of the executive are chosen annually by conference as a whole; the remaining members of the executive are elected in geographical areas. Since 1921 the constitution has stipulated that the five executive members chosen by conference as a whole must reside "at the place where the National Office is situated."²⁰ The headquarters has been at the capital city ever since, and there has been a good deal of criticism of "Wellington control." Resentment stems both from the disproportionate number of votes accorded Wellington on the executive and from the informal practice of considering the Wellington members a "central executive" with power to act between the infrequent meetings of the full executive. Repeated efforts to change the number of Wellington representatives have failed, but conference has insisted upon quarterly meetings of the full executive, thus limiting somewhat the role of the central group.

The leader and secretary of the parliamentary Labor party sit as non-voting members of the executive. Since members of parliament may be, and not infrequently are, elected to regular seats on this body, their influence may be much greater. The first four presidents of the party were chosen from among the parliamentarians.²¹ In 1952 the president and two other members of the Wellington group were members of the House of Representatives. Objection to members of parliament serving on the national executive has been voiced from time to time, but efforts to bar them or limit their role have been unsuccessful.²²

In its early years the party struggled along without a permanent headquarters or a paid staff. In the words of a pioneer member: "They gave Mr. J. Glover a lead pencil and a postage stamp and appointed him secretary."²³ From this modest beginning has grown a head office under the management of a full-time salaried secretary, a staff of five, comfortable headquarters in one of the best office buildings in Wellington, and an annual operating budget of £6000 to £7000.²⁴

²⁰ *Constitution*, 1951, sec. 10 B.

²¹ 1916, J. McCombs, M.P.; 1917, A. Walker, M.P.; 1918 and 1919, J. T. Paul, M.L.C.; 1920, Peter Fraser, M.P.

²² At the 1920 conference opposition to the influence of parliamentarians was so vocal that when Peter Fraser, M.P., was elected president he refused to serve, and only reversed his decision after conference had unanimously refused to accept his resignation. (Report of the 4th Annual Conference, 1920, as given in the *Maoriland Worker*, August 11, 1920.)

²³ *New Zealand Worker*, May 7, 1924. The statement was made by R. Semple.

²⁴ Estimated from the "Comparative Statement of Receipts and Payments, 1946-47 to 1951-52," as given in *Report of the 36th Annual Conference*, 1952. Grants to electorates and expenses of annual conferences and meetings of the executive were not included in the above estimates.

Much of the credit for building up an adequate headquarters staff rests with Walter

In the words of the constitution, the annual conference is "the supreme governing body of the Party." Meeting usually in April, this "grand assembly" brings together delegates from branches, L.R.C.'s, and affiliated unions throughout the Dominion. Each L.R.C. is entitled to two delegates and two votes, but the representation and voting strength of other constituent bodies are scaled to their size.²⁵ The same person not infrequently represents both a branch or L.R.C. and a union; the rules limit the aggregate votes one individual may cast to three.²⁶ Upon demand, a card vote is used, each delegate holding up a card indicating the number of votes he is entitled to cast. Before he enters upon his duties, each delegate must sign a pledge stating that he is not a member of any organization, membership in which is incompatible with membership in the Labor party; that he accepts the constitution and policy of the party; and that he will uphold decisions made pursuant to the constitution and work for its selected candidates.²⁷ Members of the national executive, including the non-voting parliamentary representatives, are entitled to attend conference but vote only if they are also accredited delegates.

The emphasis in Labor party conferences is upon business, but they are not without life and color. The entrance of the parliamentary leader, especially when Labor is in office, is likely to be greeted by what is recorded in the proceedings as "thunderous applause"; delegates sometimes honor distinguished visitors from abroad by rising and singing "He's a Jolly Good Fellow"; and at the end all join hands and sing "Auld Lang Syne."²⁸ Conferences are considered private affairs; representatives of the Labor press are the only ones admitted, and visitors must be vouched for by the executive or a delegate. The "capitalist" press must depend upon reports given to it by a press secretary and upon such gossip as may be pried from delegates. Earlier conferences were small, intimate gatherings of 40 to 50, but since 1937 attendance has never dropped below 350 and often exceeds 500.

Prominent in the proceedings of conference are the address of the president and the reports of the national executive and the parliamentary leader. Dissatisfaction with the leadership may be voiced in amendments moved to these

Nash, the present parliamentary leader, who held the post of secretary from 1922 to 1931. During the latter part of that time he was also a member of parliament. The three secretaries who followed him, and who served collectively for 15 years, all "graduated" into parliament. There was sufficient criticism of this practice so that when the present secretary was chosen his lack of political ambitions was cited by some as an asset.

²⁵ As of 1952, representation was as follows: branches or affiliations with membership not exceeding 200, one delegate and one vote; branches or affiliations with membership of 201 to 500, two delegates and two votes; branches or affiliations with membership of 501 to 1000, three delegates and three votes; branches or affiliations with membership of 1000 to 1500, four delegates and four votes; one extra delegate or vote for each additional 500 members over 1500.

²⁶ However, if one of the organizations a delegate represents is entitled to more than three votes, this rule is interpreted to mean that he may cast that number but no more.

²⁷ Labor Representation Committees—Rules, Sec. 4 B. The rules governing eligibility of conference delegates are identical with those applying to L.R.C. delegates.

²⁸ Earlier conferences concluded with the singing of the "Red Flag," but those radical days are no more.

III

At the outset, the L.R.C.'s were given almost complete control of the selection of candidates, the only limitation being that persons chosen must have been *bona fide* members of the party for at least six months. Gradually, however, uniform procedures were imposed and control by the executive was tightened. The constitutional revision of 1926 included rules that remained in effect with little alteration until 1951.

Under the 1926 provisions, parliamentary candidates were selected by ballot of party members in the respective L.R.C.'s, although the choice had to be made from a list approved by the national executive.³⁴ Throughout the years of its use, rank and file selection was under attack. The difficulty of compiling accurate lists of the names and addresses of affiliated trade union members raised serious problems. Not more than one-fourth of the party members are on the branch rolls. In the case of those who acquire membership through identification with an affiliated trade union, it is the responsibility of the union secretary to certify to the party officers the number of members and to allocate them among the various electorates. Union secretaries know what their paid-up membership is, but they rarely have an accurate record of the residences of their members, especially in the case of mobile workers like the watersiders and railwaymen.³⁵ Other difficulties stemmed from the fact that members of affiliated unions were eligible to participate in selection ballots irrespective of their personal political predilections. "Right-wing" members feared interference by Communists, and the "left" was equally alarmed at the prospect that the choice of candidates might be influenced by unionists not in sympathy with Labor's cause. The latter point was pressed with particular vigor after the introduction of compulsory unionism. When the question of selection was under consideration in the 1951 conference, failure to find solutions to these problems played into the hands of those who favored the abandonment of rank and file selection for other reasons.³⁶ In the meantime, selection by the executive had been used as a temporary expedient in several instances. Before the 1935 election, which brought Labor to power, the executive had taken the

the unions' making loans with the understanding that they would not be repaid, and by collecting levies from union members on the job.

³⁴ *Constitution*, 1926, Secs. 16, 17, 18. The date for selecting candidates was fixed by the national executive but the casting and counting of the ballots was conducted by the L.R.C.'s in cooperation with affiliated unions. Although the constitution did not require it, a postal ballot was often used. Candidates for selection were not permitted to canvass in their own behalf or to instruct others to canvass for them.

³⁵ In Dunedin, a city with 16,000 to 18,000 affiliated members, the addresses of only 6,000 to 7,000 would be available. In a postal vote only about 1,000 of these would be returned. In one electorate in which there were about 2,000 members only 378 ballots were returned in a postal ballot and the selected candidate received only about 200 votes. There were instances in which waterside workers were polled on the wharves, although this was not strictly constitutional.

³⁶ The vote was 304 to 240. There had been earlier unsuccessful attempts to limit voting to branch members, or to void selection ballots in which less than a certain percentage of the members had participated.

initiative in adding to the approved list the names of a number of able younger men, many of whom were outside the trade union field;³⁷ conference of that year voted the executive "full power" to determine selections not yet made. Again in 1946, when changes in the electoral boundaries shortened the time available for selecting candidates, choice was left to the executive in cooperation with committees of the respective L.R.C.'s.³⁸

The rules adopted in 1951 permit any six members of the party resident within the electorate to nominate a candidate, but the final choice rests with a selection committee of six, three of whom are members of the national executive. The remaining three are appointed by the L.R.C. involved.³⁹ The selection committee is not limited to persons nominated; in 1951 there were two instances in which the choice was made from outside this list.⁴⁰ As the pledge was revised in 1951, a candidate must swear he is not a member of any other political party or organization declared to be incompatible with membership in the party, and promise wholeheartedly to support the selected candidates of the party, faithfully to observe its constitution and policy, and, if elected, to vote on all questions in accordance with the decisions of a majority of caucus.⁴¹

Opinion varies as to whether the new machinery is better than the old. Some feel that while rank and file selection had its shortcomings, the present machinery is worse; others that the use of selection committees was the lesser of two evils. Few maintain that the new method has effected any radical change in the type of candidate. Under either system it was unusual for a sitting member to be denied re-selection, even when there was tacit agreement that he had ceased to be an effective representative.

IV

The New Zealand Labor party has seldom been without an undercurrent of disaffection, but splits and "breakaways" have been few. The one open challenge to the leadership ended in the expulsion of J. A. Lee in 1940, and the organization of a short-lived Democratic Labor party.

Lee, a native New Zealander who had lost an arm in the First World War and received a Distinguished Conduct Medal, was endowed with consider-

³⁷ *Report of the 19th Annual Conference*, 1935. In its report to the conference that year the executive refers to the "time and thought" given to the character and suitability of candidates, and the frequent joint meetings with parliamentary members in an endeavor to arrive at decisions which would serve that end. The list of candidates selected included 14 who had never previously contested a parliamentary seat. Only three of them had trade union backgrounds.

³⁸ This procedure had been approved in advance by the 1945 conference. A motion to rescind the action was ruled out of order at the 1946 conference.

³⁹ *Report of the 35th Annual Conference*, 1951.

⁴⁰ In one instance the same person was nominated by several electorates. After placing the one whom they considered the strongest candidate in the strongest Labor electorate the selection committee found itself faced with "impossible" candidates before all the other selections had been made.

⁴¹ The significant alterations in the pledge were the omission of any promise to support the party's platform, and the clause barring those identified with organizations declared incompatible with membership in the party.

able oratorical talent and a flair for publicity.⁴² When the party came to power, he represented the Labor stronghold of Grey Lynn, a suburb of Auckland, and was generally recognized as one of the party's more popular, if somewhat headstrong, younger members. When Savage became prime minister, he insisted that he, and not caucus, should select the cabinet members. Lee and most of the other younger left-wing members were passed over, but Lee was given a junior post in the Ministry of Finance, headed by Walter Nash. Lee was put in charge of housing, but his unorthodox views on finance soon involved him in disagreements with Nash. The first disciplinary action against Lee arose from the so-called "Lee letter," which was an attack upon Nash's financial policy.⁴³ Following prolonged debate in 1939, conference censured him by a vote of 285 to 207 and instructed the executive, in consultation with the parliamentary members, to take "appropriate action."⁴⁴ The action of the executive was exceedingly mild; Lee was asked to do his best to prevent further circulation of the letter in question.

Lee's expulsion from the party was precipitated by an article which he wrote for a left-wing journal, *Tomorrow*. The article was entitled "Psycho-Pathology in Politics"; although the Rt. Hon. M. J. Savage was not mentioned by name, it was generally interpreted as an attack upon him.⁴⁵ The national executive expressed strong disapproval of the article, and demanded that Lee apologize and give assurance that subsequent articles written by him would be submitted to the executive before publication. The charge that Lee failed to keep this bargain led to his expulsion by the 1940 conference, the card vote being

⁴² Lee grew up in Auckland in a period when it was a crossroads for radicals. He says his thinking was influenced by Jack London and Upton Sinclair, and describes himself as a "Voltairean Socialist" opposed to "Popes—political as well as religious." The day he came back from the war he joined the Labor party and was an unsuccessful candidate in 1919. He was elected in 1922 and 1925, but lost in 1928. In 1931, 1935, and 1938 he was elected in Grey Lynn by large majorities. Charges of irregularities in selection ballots on Lee's behalf were reported to the national executive in 1931. Although the executive reported that the irregularities were of a minor character, conference directed that a new ballot be held under supervision of the national executive. Lee won by a vote of 208 to 108. In 1932 the executive singled out Lee as one of the new members to be congratulated on the "splendid manner" in which they had launched their parliamentary careers. The conference that year congratulated Lee and Peter Fraser for taking a stand in the House of Representatives which led to their suspension. Fraser's part in this is described in James Thorn, *Peter Fraser* (London, 1952), p. 99.

⁴³ According to Lee, he originally intended to limit circulation of the letter to members of the Labor party. After an uncorrected copy which Lee had shown to a parliamentary friend was circulated among non-Labor members, Lee decided to circulate the corrected version. Needless to say, the letter was widely circulated among Labor's "enemies."

⁴⁴ *Report of the 23d Annual Conference, 1939*. Lee's side of the story, written after his expulsion, appeared as a pamphlet entitled *I Fight for New Zealand*.

⁴⁵ The article appeared in the issue of December 6, 1939. Its theme was that the fate of nations is affected by the physical and mental illness of leaders, who may tend to become "pathological autocrats." Although it was not generally known at the time, Savage was a desperately sick man. He died of cancer while the 1940 conference was in progress. In a "confidential report," written by him and read at that conference, Savage bitterly attacked Lee, who, he claimed, had made "desperate attempts" to destroy him as a political force.

546 to 344.⁴⁶ Although the official position of the party was that Lee was expelled for "disloyalty to the Party and treachery to the leader," rather than for differences over policy and caucus procedures, it is clear that Lee and Savage had differed over these matters and that the tendency of Savage and his cabinet colleagues to overrule caucus decisions lent some color to Lee's claim that he was expelled "for attacking Autocracy and Money Power."⁴⁷ Although conference expelled Lee by an impressive vote, there was some question as to whether the procedures followed conformed strictly to the principles of the constitution.⁴⁸ A leadership with more confidence in the movement and more sensitive to the importance of democratic procedures might have achieved the same result without leaving itself open to these criticisms. Beneath the personal animosity between Lee and Savage and Lee's obvious indiscretions, is a more fundamental question to be discussed later: when Labor is in power, what are the respective roles of cabinet, the parliamentary group as a whole, the executive, and conference?

After his expulsion, Lee organized a rival Democratic Labor party, which was promptly proscribed by the Labor party executive.⁴⁹ Of the 51 candidates who entered the 1943 contest under Lee's banner, all but one lost his deposit,⁵⁰ and in his old electorate of Grey Lynn, Lee himself was defeated by a Labor candidate. Labor retained a safe majority in the House, but it lost five seats and blamed Lee for this.⁵¹ Lee's party did not participate in the 1946 election. After attempting unsuccessfully to regain his seat in Grey Lynn in 1949, Lee dropped into political obscurity.⁵²

⁴⁶ *Report of the 24th Annual Conference*, 1940. The exact wording of the motion was as follows: "That John A. Lee, M.P. for Grey Lynn, having been guilty of conduct and acts inconsistent with his position as a member of his Party, this conference in the interests of the Labour Movement, hereby expels him from the New Zealand Labour Party."

⁴⁷ The official version of Lee's expulsion is recapitulated in *Report of the 30th Annual Conference*, 1946. Lee's side is stated in a pamphlet issued by the Grey Lynn Democratic Labour party and entitled, *Expelled from the Labour Party for Telling the Truth*.

⁴⁸ The question of Lee's expulsion was not on the order paper of the conference and hence branches and affiliations had no opportunity to discuss it or instruct their delegates how to vote. Lee's own L.R.C. in Auckland had expressed confidence in both Lee and Savage, after the Lee article had been read, and a motion of censure proposed. Lee's supporters maintained that while his opponents at conference were given unlimited time, his supporters were kept strictly within the three-minute rule. The Hon. W. E. Barnard, Speaker of the House of Representatives, who was the only member of parliament to resign from the party in protest over the action taken against Lee, stressed undemocratic procedures in caucus and conference in a pamphlet entitled *The Speech of a New Zealander*. There is the same emphasis in "Mr. Lee Expelled," *Tomorrow*, April 3, 1941.

⁴⁹ *Report of the 25th Annual Conference*, 1941. This action was unanimously endorsed by the conference of that year.

⁵⁰ In addition, W. E. Barnard, who ran as an Independent, was defeated by an official Labor candidate.

⁵¹ Lee's party polled four per cent of the total vote. The percentage of the total vote polled by Labor dropped from 55.8 in 1938 to 47.4 in 1943, but it was slightly higher than in 1935.

⁵² Efforts to bring about a reconciliation between Lee and the Labor party, initiated at various times by branches and industrial groups, failed. In 1952, Lee was publishing a sheet called *John A. Lee's Fortnightly*, which included two pages of comment by him.

A disciplinary problem that antedated the Lee issue and has continued to the present concerns Labor's relation with the Communist party and "Communist auxiliaries." Formal requests of the New Zealand Communist party to affiliate with the Labor party, made repeatedly from 1924 on, were consistently refused, but an earlier attitude which might be described as one of "peaceful coexistence" gave place to sharp hostility. More difficult has been the status of avowed or suspected Communists whom affiliated unions see fit to send as their delegates to L.R.C.'s or to party conferences. The party has consistently refused to waive or modify its pledge so that avowed Communists, credentialed by their respective unions, may take it in good faith.⁵³ At the same time it is possible for a "concealed" Communist to represent an affiliation if he is willing to take the pledge. Members of organizations suspected of following the Communist line have likewise been barred from membership in the party. At various times the proscribed list has included the following: "Friends of the Soviet Union," "Movement against War and Fascism," "Peace and Anti-Conscription League," "Workers' Democratic Defense Association," "Women's Charter Movement," "Society for Closer Relations with Russia." Persons identified with these organizations not only are denied party membership but may not even address branch or L.R.C. meetings. Nor may Labor groups cooperate in meetings held under their auspices, give them financial assistance, or distribute their literature.⁵⁴ In trying to protect itself from the Communist virus, the party has gone to such lengths as to direct branches not to reply to communications from Communist auxiliaries, and has given the executive power to expel a member of the party "who publicly expresses or publishes statements at variance with the party's policy in any way calculated to cause dissension and disunity within the ranks of the party."⁵⁵

Subject only to appeal to conference, control of disciplinary matters rests with the national executive. A branch may deny membership for any reason—or for no reason—and members may be suspended by branches or L.R.C.'s. But expulsion must be by action of the executive, with a right of appeal to conference. Expulsion has been used sparingly, but left-wing members complain that a broad interpretation of "Communist auxiliary" serves much the same purpose, and that there is a growing tendency to brand all criticism of the party's leadership as Communist-inspired.

⁵³ An interesting debate on this point took place in 1927. When a seat was denied a delegate from the Westland Timber Workers, the Deniston Miners' Union argued that if non-Communists sent Communists to represent them they "must trust them," and that "the thing which mattered was the Unity of the working class." Ten years later the party again defeated a remit which would have exempted from the pledge delegates from unions, but at the same time voted down as "impracticable" a resolution which would have required all members of affiliated organizations to take the pledge.

⁵⁴ In 1952 the executive warned members not to associate with the coming "Peace Carnival" in Sydney, which it described as a "smoke screen" for Communist activities. (*Report of the 36th Annual Conference, 1952.*)

⁵⁵ The latter action, endorsed by the 1948 conference, was taken during a disagreement between the waterside workers and the Labor government.

V

The internal power structure of the New Zealand Labor party is if anything more complex than that of most political organizations. Untangling the lines of authority and control in the framework already described presents major difficulties. Is conference, representing the rank and file, the "artisan of the labor movement" in any real sense, or are major decisions made by the executive, the parliamentarians, the unions, or a shifting nucleus made up of members from one or more of these groups, depending upon circumstances?

As the "supreme governing body of the party," conference might be expected to play a decisive role in initiating and controlling policy. Yet over the years it is evident that there has been a shift in initiative from conference to the executive, and a strong tendency toward direction from the chair. Under existing rules the executive prepares the remit paper, exercises considerable discretion in grouping and summarizing the remits submitted and may introduce resolutions of its own; the nomination of members of the committees which discuss and report on remits rests with it (although names may be added from the floor of conference); the "convenors" or chairmen of these committees are selected by it. In recent years parliamentarians and members of the head office staff have been favored in the selection of chairmen.⁵⁶ In part these trends are the inevitable result of the increase in the size of conference and the multiplication of the remits submitted. In part, too, they stem from the party's shift from opposition to government, from the war emergency, and from the fear that intra-party disputes may be misrepresented and exaggerated by a press largely hostile to Labor. But to some extent they reflect fear of open rebellion and lack of confidence in the good judgment of the rank and file on the part of the leaders, which is a more serious matter. Criticism of the dictatorial tendencies of the presiding officer of conference rose to a crescendo during the long "reign" of "Big Jim" Roberts, who ruled conference with firmness and an omnipresent gavel for thirteen consecutive years from 1937 to 1950.⁵⁷

The present leadership is aware of these criticisms of conference proceedings and has made an effort to create a different atmosphere. At the 1952 conference the Honorable A. J. Nordmeyer, Roberts' successor, presided with fairness: minorities were given an opportunity to express their views and in two instances recommendations of the executive were amended from the floor.⁵⁸ Nevertheless, even this conference was tightly controlled from the top in two ways:

⁵⁶ In the 1949, 1950, and 1952 conferences every convenor of a committee was a member of parliament or associated with the head office.

⁵⁷ James Roberts, who had been head of the Waterside Workers' Union, was sometimes referred to as the "uncrowned King of New Zealand." Although it was not unusual for presidents to be re-elected, none of his predecessors had served for more than four years. During Roberts' regime, there were repeated attempts to introduce election of the president by direct vote of the party membership, or limit his term of office. All were unsuccessful.

⁵⁸ Both were concerned with "Peace and War." One committed the party to strive for the development of the peaceful use of atomic energy; the other to take the initiative in launching a "Commonwealth Peace Movement." A resolution calling for the withdrawal of New Zealand's forces from Korea was defeated by a vote of 336 to 127.

most of the time was devoted to a discussion of policy reports drafted by the executive; and the convenors of all committees were selected from the personnel of the parliamentary party or the headquarters staff. The topics and emphasis of the executive reports had been decided after the president and secretary had sounded out rank and file opinion in a tour of L.R.C.'s, and probably focussed on issues which were uppermost in the minds of members,⁵⁹ but the initiative came from the top rather than the base of the party pyramid, and there had been no opportunity to discuss the resolutions in the branches before conference met.

The increased initiative of the executive is sometimes defended on the ground that if it waited for a lead from the rank and file, it would wait forever. This reflects a concern over the vitality of the branches and the L.R.C.'s that is shared by those who are most critical of the growing initiative of the executive. Between election campaigns, many branches are practically dormant, or become submerged in routine matters. Relatively few arouse themselves to send in remits for conference consideration.⁶⁰ Although the conference remit paper is sent to branches in advance of conference, in some cases it is never discussed, and in others the consideration is purely perfunctory.⁶¹ Dissatisfaction with conference proceedings, the feeling that it has become little more than a democratic facade behind which others pull the strings, is one of the reasons why many constituent groups do not feel it worthwhile to incur the expense of attendance at these gatherings. L.R.C.'s are always represented, but it is not unusual for less than half the branches and affiliations to send delegates.⁶² One is forced to the

⁵⁹ They dealt with the following topics: "Principles of Labour" (the party's position on socialism), "Labour versus Communism," "Industrial Relations," and "Peace and War."

⁶⁰ In 1952, remits were submitted from 59 branches, 15 L.R.C.'s, and less than a dozen unions. Remits usually come from the same few constituent groups.

⁶¹ One branch delegate, who was attending her first conference in 1952, reported that in her branch there was no discussion of the remit paper and that she felt poorly prepared for her responsibilities in conference. In another branch "consideration" of remits was limited to the chairman's statement, "We oppose (or favor) that one, don't we?"

The procedure followed in adopting the revised constitution of 1951 is a good illustration of how little control members may have over matters of vital concern. By vote of the 1950 conference, a committee on constitutional revision was directed to prepare a draft for discussion the following year. The committee was composed of the members of the national executive and five members from outside that body, selected by the executive from a panel of 47 nominated at the 1951 conference. The initial draft of the constitution was prepared by a subcommittee of this committee on constitutional revision, and was adopted by the full committee at meetings on March 29 and 30, 1951. At the 1951 conference discussion of the constitution was overshadowed by issues related to the waterfront dispute of that year. There were numerous attempts from the floor to amend the draft submitted, but very few were successful.

⁶² In 1951, 119 of the 218 unions were not represented; 372 of the 634 branches sent no delegates. In the case of branches, financial considerations are very important. It is a problem of loss of wages and the difficulty of securing leave of absence from one's post, as well as one's expenses while attending the meetings. It is difficult for school teachers, for example, to be absent from their jobs. Not infrequently a person is chosen because he has relatives or friends in Wellington with whom he can stay. The larger unions pay the expenses of their delegates, and union secretaries incur no loss of income if they are sent

conclusion that although branch members do most of the "leg work" during campaigns, little of the initiative in policy comes from the branches, and few of them are effective forums for the discussion of controversial issues. There are shining exceptions—branches where a few lively spirits, usually on the "left," valiantly try to keep alive an interest in ideas, and sometimes succeed for a time at least—but they are rare.

The L.R.C.'s, bringing together as they do representatives of the unions and the branches, would seem to offer an excellent forum for spontaneous exchange of ideas and for resolving divergent points of view. Actually, their effectiveness is limited by a preoccupation with routine business and local matters, leaving little time for discussion of national policy. Frank interchange of ideas is discouraged by the rules, and sometimes by the attitude of presiding officers as well.⁶³ All matters coming before the L.R.C. must be submitted in writing by a branch or affiliated organization, and are first discussed in the executive committee and usually come to the full L.R.C. meeting with an executive recommendation. Some executives view disagreement with hostility. There is a good deal of "steering from the chair," and dissenters and youthful upstarts are dealt with firmly, all of which tends to discourage open discussion. Union representatives attend in force when officers are to be elected, but at other times are much less faithful in attendance than the branch delegates. In some L.R.C.'s, this results in a continual tug-of-war between the officers, who represent the union viewpoint, and branch delegates, who tend to be more "left" in their views. Dissenters are silenced, but issues are not resolved; members who are repeatedly silenced but not convinced often turn to intrigue, with the result that far too many L.R.C.'s and branches become embroiled in what one secretary described as "personal vendettas."

The role of the rank and file in determining broad lines of policy may be debatable, but clearly the leaders have the final determination of the "Election Manifesto," which is the definitive statement of policy upon which the party goes to the electors in a campaign. In the early years, much of the time of conference was spent hammering out the platform, which every member and candidate was pledged to support on pain of apostasy. Today the Election Manifesto, prepared by a committee composed of members of the executive and parliamentary group, becomes the official policy of the party until the next campaign.⁶⁴ Resolutions passed by the last three conferences are referred to the committee, but in its final form the manifesto is neither debated nor approved by conference. Thus when parliamentary candidates pledge themselves faith-

as delegates. For this reason branches are often represented by union delegates. Area representatives on the national executive have their expenses paid by the head office and sometimes represent their respective branches.

⁶³ Reading the correspondence, which is part of the regular order of business, takes an amount of time out of all proportion to its importance; also the reports of the Labor members on the city council, hospital board, and other local bodies are often time-consuming. One gains the impression that there are times when officers welcome routine business as a way of avoiding controversial matters.

⁶⁴ *Constitution*, 1951, Sec. 12 D.

Longites in 1930. These presumably represented the same sort of following as Noe's. In sharp contrast to Noe, Morrison neither urged support of nor stumped for Jones, and indeed even implied a personal preference for Earl Long after the first primary. Nonetheless, as judged by the mean figures, about 75 per cent of Morrison's vote went to Jones in the runoff, a proportion roughly the same as that determined for the Noe supporters, and the Morrison vote in each of the wards studied went in the same factional direction in the runoff.

Although the analysis of the distribution of Morrison's vote does not eliminate the possibility that Noe had a transferable personal following, it does render questionable any positive conclusions on the deliverability of Noe's voters when based solely on the data on Noe. In the light of recent Louisiana politics, it seems to this writer more reasonable to conclude that Noe had no personal following to deliver. There was nothing in his brief political career as state senator and acting governor which would account for the large country parish organization of over 100,000 votes imputed to his personal leadership. Another explanation of Noe's role in the 1940 primaries may be suggested. He was less the personal leader of a devoted following than the temporary product of transitory circumstance. His was the voice of those Longites outraged by the Long organization's betrayal of Huey and consequently hostile to Earl's candidacy. Their customary antipathy to an anti-Long candidate was muted by Jones's reiteration that his "pappy was for Huey" and by his pledge to retain and expand liberal governmental benefits. Under such conditions the majority of those who voted for Noe naturally gravitated to Jones; a better test of Noe's alleged factional headship would have occurred had he endorsed Earl Long for the runoff primary.

Another opportunity to test the proposition that some Louisiana politicians are able to control the votes of a deliverable personal following is offered by the events of the gubernatorial runoff primary of 1944, in which the reform candidate, James H. Davis, defeated Longite Lewis Morgan. Dudley LeBlanc, an opportunistic south Louisiana politico, had run unsuccessfully on an anti-Jones plank in the first primary, securing 40,392 votes concentrated, in a "friends and neighbors" fashion, in several Cajun parishes. Before the second primary LeBlanc reversed his factional affiliation and came out for Davis. A satisfactory measurement of LeBlanc's influence may be had by noting the first and runoff primary figures for Davis and Morgan in the four parishes in which LeBlanc garnered roughly half the first primary vote. All of the first primary votes for candidates other than LeBlanc, Davis, or Morgan are credited to Morgan for the runoff, thus giving LeBlanc every chance to prove possession of a deliverable following. (For example, eight per cent of Acadia's first primary vote went to candidates other than the three indicated. That eight per cent will be subtracted from Morgan's net increase in the second primary on the arbitrary assumption that all those who voted for other candidates in the first primary subsequently voted for Morgan. This deliberate error, which credits LeBlanc for all of Davis' increased votes, has the virtue of isolating the LeBlanc vote.)

TABLE IV. THE TRANSFERABILITY OF PERSONAL FOLLOWINGS: THE DISTRIBUTION OF
LEBLANC'S FIRST PRIMARY VOTE TO DAVIS AND MORGAN IN THE SECOND
PRIMARY, 1944, FOR SELECTED PARISHES

Parish	LeBlanc % of First Primary Vote	Increased % of Parish Vote in Runoff over First Primary (% Vote in Runoff Minus % Vote in First Primary)	
		James Davis	Lewis Morgan
Acadia	55.7%	30.4%	25.3%
Evangeline	48.3	34.8	13.5
Lafayette	47.3	23.6	23.7
Vermilion	58.6	29.3	29.3
Mean	52.5%	29.5%	23.0%

Source: computed from *Compilation of Primary Election Returns of the Democratic Party, State of Louisiana*, issued by the Secretary of State, for the 1944 gubernatorial election.

As determined by the mean performance under the favorable statistical method here employed, Davis secured about 56 per cent of LeBlanc's votes. On a statewide basis, Davis attracted 53.6 per cent of the total vote. Although Dudley LeBlanc, reputed King of the Cajuns, performed better than Morrison had in 1940, he obviously had no deliverable following of any magnitude in 1944.

The 1948 gubernatorial campaign, in which Earl Long trounced Sam Jones, provides a third and final test of the existence of transferable personal followings. James H. Morrison and Robert Kennon were the two candidates eliminated in the first primary. Morrison, who campaigned as a Longite, urged support for the reform candidate, Jones, in the interim between primaries. The distribution of Morrison's vote in the runoff may be determined by the usual method, in this case employing all wards in which the Kennon vote was less than 5 per cent and the Morrison vote more than 30 per cent in the first primary, and in which more than 200 votes were cast. Eighteen wards from eight parishes meet those standards. It might also be noted that 13 of those wards had given Earl Long more than 50 per cent of the ward vote in his failing bid for the lieutenant governorship in the 1944 runoff primary. In spite of Morrison's open support of Jones, as judged by the mean figures in Table V, about 82 per cent of Morrison's first primary vote went to Earl Long.⁸ The

⁸ Key, p. 174, footnote 34, noted James H. Morrison's inability to deliver his following, but implied that the exception of Morrison helped prove the general rule of transferable followings by resorting to the following speculation: "... Morrison's 1948 vote consisted in considerable measure, not of his own following, but of support from the New Orleans 'Old Regular' organization, which further analysis would probably show was able in the second primary to deliver its vote against Jones, the ally of deLesseps Morrison, mayor of New Orleans and foe of the 'Old Regulars'." While the Orleans vote for Morrison behaved in the second primary as Key predicted, the fact remains that two-thirds of Mor-

tener. The president, vice-president, secretary-treasurer, and five other members elected annually by the L.R.C. constitute an executive committee. The powers of this body are not defined very precisely and vary widely in practice, but it is always an important focus of leadership and control.

The party's central organs are a national executive, a "head office" or permanent secretariat, and an annual conference. The president, vice-president, secretary-treasurer, and five of the other members of the executive are chosen annually by conference as a whole; the remaining members of the executive are elected in geographical areas. Since 1921 the constitution has stipulated that the five executive members chosen by conference as a whole must reside "at the place where the National Office is situated."²⁰ The headquarters has been at the capital city ever since, and there has been a good deal of criticism of "Wellington control." Resentment stems both from the disproportionate number of votes accorded Wellington on the executive and from the informal practice of considering the Wellington members a "central executive" with power to act between the infrequent meetings of the full executive. Repeated efforts to change the number of Wellington representatives have failed, but conference has insisted upon quarterly meetings of the full executive, thus limiting somewhat the role of the central group.

The leader and secretary of the parliamentary Labor party sit as non-voting members of the executive. Since members of parliament may be, and not infrequently are, elected to regular seats on this body, their influence may be much greater. The first four presidents of the party were chosen from among the parliamentarians.²¹ In 1952 the president and two other members of the Wellington group were members of the House of Representatives. Objection to members of parliament serving on the national executive has been voiced from time to time, but efforts to bar them or limit their role have been unsuccessful.²²

In its early years the party struggled along without a permanent headquarters or a paid staff. In the words of a pioneer member: "They gave Mr. J. Glover a lead pencil and a postage stamp and appointed him secretary."²³ From this modest beginning has grown a head office under the management of a full-time salaried secretary, a staff of five, comfortable headquarters in one of the best office buildings in Wellington, and an annual operating budget of £6000 to £7000.²⁴

²⁰ *Constitution*, 1951, sec. 10 B.

²¹ 1916, J. McCombs, M.P.; 1917, A. Walker, M.P.; 1918 and 1919, J. T. Paul, M.L.C.; 1920, Peter Fraser, M.P.

²² At the 1920 conference opposition to the influence of parliamentarians was so vocal that when Peter Fraser, M.P., was elected president he refused to serve, and only reversed his decision after conference had unanimously refused to accept his resignation. (Report of the 4th Annual Conference, 1920, as given in the *Maoriland Worker*, August 11, 1920.)

²³ *New Zealand Worker*, May 7, 1924. The statement was made by R. Semple.

²⁴ Estimated from the "Comparative Statement of Receipts and Payments, 1946-47 to 1951-52," as given in *Report of the 36th Annual Conference*, 1952. Grants to electorates and expenses of annual conferences and meetings of the executive were not included in the above estimates.

Much of the credit for building up an adequate headquarters staff rests with Walter

In the words of the constitution, the annual conference is "the supreme governing body of the Party." Meeting usually in April, this "grand assembly" brings together delegates from branches, L.R.C.'s, and affiliated unions throughout the Dominion. Each L.R.C. is entitled to two delegates and two votes, but the representation and voting strength of other constituent bodies are scaled to their size.²⁵ The same person not infrequently represents both a branch or L.R.C. and a union; the rules limit the aggregate votes one individual may cast to three.²⁶ Upon demand, a card vote is used, each delegate holding up a card indicating the number of votes he is entitled to cast. Before he enters upon his duties, each delegate must sign a pledge stating that he is not a member of any organization, membership in which is incompatible with membership in the Labor party; that he accepts the constitution and policy of the party; and that he will uphold decisions made pursuant to the constitution and work for its selected candidates.²⁷ Members of the national executive, including the non-voting parliamentary representatives, are entitled to attend conference but vote only if they are also accredited delegates.

The emphasis in Labor party conferences is upon business, but they are not without life and color. The entrance of the parliamentary leader, especially when Labor is in office, is likely to be greeted by what is recorded in the proceedings as "thunderous applause"; delegates sometimes honor distinguished visitors from abroad by rising and singing "He's a Jolly Good Fellow"; and at the end all join hands and sing "Auld Lang Syne."²⁸ Conferences are considered private affairs; representatives of the Labor press are the only ones admitted, and visitors must be vouched for by the executive or a delegate. The "capitalist" press must depend upon reports given to it by a press secretary and upon such gossip as may be pried from delegates. Earlier conferences were small, intimate gatherings of 40 to 50, but since 1937 attendance has never dropped below 350 and often exceeds 500.

Prominent in the proceedings of conference are the address of the president and the reports of the national executive and the parliamentary leader. Dissatisfaction with the leadership may be voiced in amendments moved to these

Nash, the present parliamentary leader, who held the post of secretary from 1922 to 1931. During the latter part of that time he was also a member of parliament. The three secretaries who followed him, and who served collectively for 15 years, all "graduated" into parliament. There was sufficient criticism of this practice so that when the present secretary was chosen his lack of political ambitions was cited by some as an asset.

²⁵ As of 1952, representation was as follows: branches or affiliations with membership not exceeding 200, one delegate and one vote; branches or affiliations with membership of 201 to 500, two delegates and two votes; branches or affiliations with membership of 501 to 1000, three delegates and three votes; branches or affiliations with membership of 1000 to 1500, four delegates and four votes; one extra delegate or vote for each additional 500 members over 1500.

²⁶ However, if one of the organizations a delegate represents is entitled to more than three votes, this rule is interpreted to mean that he may cast that number but no more.

²⁷ Labor Representation Committees—Rules, Sec. 4 B. The rules governing eligibility of conference delegates are identical with those applying to L.R.C. delegates.

²⁸ Earlier conferences concluded with the singing of the "Red Flag," but those radical days are no more.

reports, but the amendments are seldom passed. Constituent bodies are entitled to submit "remits" to be considered at conference and these come in by the hundreds.²⁹ The increase in the size of conference and the number of remits necessitate a more tightly controlled agenda, greater use of committees, and more stringent limitations on discussion. Since 1939 it has been the practice for the national executive to set up a subcommittee to screen and consolidate the remits. The result is a more manageable remit paper of about 100 items grouped under some twenty-odd headings, but considerable dissatisfaction is felt by those who feel that their remits are ignored or emasculated and who are not given an opportunity to defend their point of view before the subcommittee. Once conference convenes, some eight or ten committees are set up, to which remits dealing with similar matters are referred. The recommendations of these committees are usually, although not always, accepted. As revised in 1951, the constitution provided for a three-year cycle; the conference following each triennial general election is to deal primarily with constitutional changes, the next with matters of general concern, and that immediately preceding the general election with policy questions.³⁰

In terms of membership and finance, the party has been greatly strengthened by compulsory unionism. As Table I indicates, membership grew slowly during the early years and did not reach the 50,000 mark until 1929-30. After compulsory unionism went into effect in 1936, it soared to over 200,000. The party lost ground during the war years, partly because many members were absent in the armed services and partly because of dissension within its ranks; the 200,000 mark was not reached again until 1947-48. Compulsory unionism also helped to solve the party's financial problems. Its most dependable source of income is the approximately £10,000 flowing into the treasury annually from the affiliated unions. In addition, the unions contribute generously to campaign funds collected by the head office and raise substantial sums in the electorates during campaign years.³¹ Looking at this record it is easy to understand why,

²⁹ Prior to the 1938 conference 700 remits were received. In 1939 the number was over 1000. Remits must be forwarded to the head office at least three months before the date of conference. Two months before conference the head office sends copies of the remit paper to L.R.C.'s, branches, and affiliations.

³⁰ Premised on general elections at regular three-year intervals, this plan was immediately thrown out of gear by the unexpected dissolution of 1951. The 1951 conference, held before parliament was dissolved, dealt largely with constitutional questions, and the 1952 conference dealt mainly with policy issues.

³¹ An important source of income is special levies upon union members. It is often stated that waterside workers are expected to contribute £1 per member in an election year.

In reporting on the 1938 parliamentary election (*Report of the 23d Conference, 1939*), the national executive singled out the following unions for "special thanks" for their generous contributions:

Waterside Workers' Union	£4,574
N.Z. Workers' Union	2,809
N.Z. Hotel and Restaurant Workers' Union	2,500
N.Z. Seamen's Union	1,500
Post & Telegraph Association	1,000
Amalgamated Society of Railway Servants	1,000

TABLE I. MEMBERSHIP AND RECEIPTS OF THE NEW ZEALAND LABOR PARTY,
1917-18 TO 1951-52*

Year	Membership	Current Receipts £	Year	Membership	Current Receipts £
1917-18	18,000 ^a	— ^c	1935-36	33,114	6,433 ^e
1918-19	21,500 ^a	— ^c	1936-37	67,723	5,392
1919-20	25,000 ^a	909 ^c	1937-38	162,157	23,619
1920-21	— ^b	412	1938-39	203,501	51,469 ^e
1921-22	25,000 ^a	649	1939-40	236,605	53,887
1922-23	— ^c	1,176	1940-41	225,886	42,701
1923-24	— ^c	1,400 ^c	1941-42	— ^c	15,419 ^f
1924-25	— ^d	1,469	1942-43	— ^c	9,151 ^f
1925-26	45,677	11,675 ^e	1943-44	144,890	24,397 ^e
1926-27	45,180	3,087	1944-45	157,263	9,819
1927-28	— ^c	2,394	1945-46	— ^c	12,979
1928-29	47,384	10,132 ^e	1946-47	162,055	37,222 ^e
1929-30	50,651	2,544	1947-48	201,765	28,354
1930-31	48,219	3,250	1948-49	— ^c	18,183
1931-32	45,610	5,406	1949-50	— ^c	40,505 ^e
1932-33	39,358	2,444	1950-51	— ^c	23,090
1933-34	33,550	2,511	1951-52	— ^c	36,243 ^e
1934-35	31,217	3,232			

^a Figures approximate only.

^b "Slightly better than last year."

^c Data not available.

^d "Has grown by thousands."

^e Election years.

^f According to the Report of the National Executive, the decrease is because so many members were serving in the armed forces.

* Compiled from the reports of the annual conferences, 1917 to 1952. Through the courtesy of the secretary and president, office copies, including some supplementary material, were placed at the disposal of the writer. Statistics are usually for the year ending March 1.

officially, the party rises to the defense of compulsory unionism.³² A measure passed by the National government in 1950 makes it illegal for a trade union to contribute to a party unless this action has been approved by an absolute majority of the entire membership. Although few unions have taken such a poll, and no union has been penalized for violating the provisions of the law, the party does not seem to have been seriously handicapped by it.³³

³² The rival National party, which attacked compulsory unionism in the 1949 campaign, did not repeal this provision of the Industrial Conciliation and Arbitration Act after it came to office. It did, however, make compulsory unionism contingent on a secret ballot if petition of 15 per cent of the union's financial members demanded it. The opinion was widespread in Labor circles that this change of heart on the part of their political opponents was prompted by the conviction that compulsory unionism indirectly aided the National government because of its conservative effect upon the Federation of Labor.

³³ Preceding the 1951 election, the Amalgamated Society of Railway Servants was the only important union which had taken such a poll. The law could be circumvented by

III

At the outset, the L.R.C.'s were given almost complete control of the selection of candidates, the only limitation being that persons chosen must have been *bona fide* members of the party for at least six months. Gradually, however, uniform procedures were imposed and control by the executive was tightened. The constitutional revision of 1926 included rules that remained in effect with little alteration until 1951.

Under the 1926 provisions, parliamentary candidates were selected by ballot of party members in the respective L.R.C.'s, although the choice had to be made from a list approved by the national executive.³⁴ Throughout the years of its use, rank and file selection was under attack. The difficulty of compiling accurate lists of the names and addresses of affiliated trade union members raised serious problems. Not more than one-fourth of the party members are on the branch rolls. In the case of those who acquire membership through identification with an affiliated trade union, it is the responsibility of the union secretary to certify to the party officers the number of members and to allocate them among the various electorates. Union secretaries know what their paid-up membership is, but they rarely have an accurate record of the residences of their members, especially in the case of mobile workers like the watersiders and railwaymen.³⁵ Other difficulties stemmed from the fact that members of affiliated unions were eligible to participate in selection ballots irrespective of their personal political predilections. "Right-wing" members feared interference by Communists, and the "left" was equally alarmed at the prospect that the choice of candidates might be influenced by unionists not in sympathy with Labor's cause. The latter point was pressed with particular vigor after the introduction of compulsory unionism. When the question of selection was under consideration in the 1951 conference, failure to find solutions to these problems played into the hands of those who favored the abandonment of rank and file selection for other reasons.³⁶ In the meantime, selection by the executive had been used as a temporary expedient in several instances. Before the 1935 election, which brought Labor to power, the executive had taken the

the unions' making loans with the understanding that they would not be repaid, and by collecting levies from union members on the job.

³⁴ *Constitution*, 1926, Secs. 16, 17, 18. The date for selecting candidates was fixed by the national executive but the casting and counting of the ballots was conducted by the L.R.C.'s in cooperation with affiliated unions. Although the constitution did not require it, a postal ballot was often used. Candidates for selection were not permitted to canvass in their own behalf or to instruct others to canvass for them.

³⁵ In Dunedin, a city with 16,000 to 18,000 affiliated members, the addresses of only 6,000 to 7,000 would be available. In a postal vote only about 1,000 of these would be returned. In one electorate in which there were about 2,000 members only 378 ballots were returned in a postal ballot and the selected candidate received only about 200 votes. There were instances in which waterside workers were polled on the wharves, although this was not strictly constitutional.

³⁶ The vote was 304 to 240. There had been earlier unsuccessful attempts to limit voting to branch members, or to void selection ballots in which less than a certain percentage of the members had participated.

initiative in adding to the approved list the names of a number of able younger men, many of whom were outside the trade union field;³⁷ conference of that year voted the executive "full power" to determine selections not yet made. Again in 1946, when changes in the electoral boundaries shortened the time available for selecting candidates, choice was left to the executive in cooperation with committees of the respective L.R.C.'s.³⁸

The rules adopted in 1951 permit any six members of the party resident within the electorate to nominate a candidate, but the final choice rests with a selection committee of six, three of whom are members of the national executive. The remaining three are appointed by the L.R.C. involved.³⁹ The selection committee is not limited to persons nominated; in 1951 there were two instances in which the choice was made from outside this list.⁴⁰ As the pledge was revised in 1951, a candidate must swear he is not a member of any other political party or organization declared to be incompatible with membership in the party, and promise wholeheartedly to support the selected candidates of the party, faithfully to observe its constitution and policy, and, if elected, to vote on all questions in accordance with the decisions of a majority of caucus.⁴¹

Opinion varies as to whether the new machinery is better than the old. Some feel that while rank and file selection had its shortcomings, the present machinery is worse; others that the use of selection committees was the lesser of two evils. Few maintain that the new method has effected any radical change in the type of candidate. Under either system it was unusual for a sitting member to be denied re-selection, even when there was tacit agreement that he had ceased to be an effective representative.

IV

The New Zealand Labor party has seldom been without an undercurrent of disaffection, but splits and "breakaways" have been few. The one open challenge to the leadership ended in the expulsion of J. A. Lee in 1940, and the organization of a short-lived Democratic Labor party.

Lee, a native New Zealander who had lost an arm in the First World War and received a Distinguished Conduct Medal, was endowed with consider-

³⁷ *Report of the 19th Annual Conference, 1935*. In its report to the conference that year the executive refers to the "time and thought" given to the character and suitability of candidates, and the frequent joint meetings with parliamentary members in an endeavor to arrive at decisions which would serve that end. The list of candidates selected included 14 who had never previously contested a parliamentary seat. Only three of them had trade union backgrounds.

³⁸ This procedure had been approved in advance by the 1945 conference. A motion to rescind the action was ruled out of order at the 1946 conference.

³⁹ *Report of the 35th Annual Conference, 1951*.

⁴⁰ In one instance the same person was nominated by several electorates. After placing the one whom they considered the strongest candidate in the strongest Labor electorate the selection committee found itself faced with "impossible" candidates before all the other selections had been made.

⁴¹ The significant alterations in the pledge were the omission of any promise to support the party's platform, and the clause barring those identified with organizations declared incompatible with membership in the party.

able oratorical talent and a flair for publicity.⁴² When the party came to power, he represented the Labor stronghold of Grey Lynn, a suburb of Auckland, and was generally recognized as one of the party's more popular, if somewhat headstrong, younger members. When Savage became prime minister, he insisted that he, and not caucus, should select the cabinet members. Lee and most of the other younger left-wing members were passed over, but Lee was given a junior post in the Ministry of Finance, headed by Walter Nash. Lee was put in charge of housing, but his unorthodox views on finance soon involved him in disagreements with Nash. The first disciplinary action against Lee arose from the so-called "Lee letter," which was an attack upon Nash's financial policy.⁴³ Following prolonged debate in 1939, conference censured him by a vote of 285 to 207 and instructed the executive, in consultation with the parliamentary members, to take "appropriate action."⁴⁴ The action of the executive was exceedingly mild; Lee was asked to do his best to prevent further circulation of the letter in question.

Lee's expulsion from the party was precipitated by an article which he wrote for a left-wing journal, *Tomorrow*. The article was entitled "Psycho-Pathology in Politics"; although the Rt. Hon. M. J. Savage was not mentioned by name, it was generally interpreted as an attack upon him.⁴⁵ The national executive expressed strong disapproval of the article, and demanded that Lee apologize and give assurance that subsequent articles written by him would be submitted to the executive before publication. The charge that Lee failed to keep this bargain led to his expulsion by the 1940 conference, the card vote being

⁴² Lee grew up in Auckland in a period when it was a crossroads for radicals. He says his thinking was influenced by Jack London and Upton Sinclair, and describes himself as a "Voltairian Socialist" opposed to "Popes—political as well as religious." The day he came back from the war he joined the Labor party and was an unsuccessful candidate in 1919. He was elected in 1922 and 1925, but lost in 1928. In 1931, 1935, and 1938 he was elected in Grey Lynn by large majorities. Charges of irregularities in selection ballots on Lee's behalf were reported to the national executive in 1931. Although the executive reported that the irregularities were of a minor character, conference directed that a new ballot be held under supervision of the national executive. Lee won by a vote of 208 to 108. In 1932 the executive singled out Lee as one of the new members to be congratulated on the "splendid manner" in which they had launched their parliamentary careers. The conference that year congratulated Lee and Peter Fraser for taking a stand in the House of Representatives which led to their suspension. Fraser's part in this is described in James Thorn, *Peter Fraser* (London, 1952), p. 99.

⁴³ According to Lee, he originally intended to limit circulation of the letter to members of the Labor party. After an uncorrected copy which Lee had shown to a parliamentary friend was circulated among non-Labor members, Lee decided to circulate the corrected version. Needless to say, the letter was widely circulated among Labor's "enemies."

⁴⁴ *Report of the 23d Annual Conference, 1939*. Lee's side of the story, written after his expulsion, appeared as a pamphlet entitled *I Fight for New Zealand*.

⁴⁵ The article appeared in the issue of December 6, 1939. Its theme was that the fate of nations is affected by the physical and mental illness of leaders, who may tend to become "pathological autocrats." Although it was not generally known at the time, Savage was a desperately sick man. He died of cancer while the 1940 conference was in progress. In a "confidential report," written by him and read at that conference, Savage bitterly attacked Lee, who, he claimed, had made "desperate attempts" to destroy him as a political force.

546 to 344.⁴⁶ Although the official position of the party was that Lee was expelled for "disloyalty to the Party and treachery to the leader," rather than for differences over policy and caucus procedures, it is clear that Lee and Savage had differed over these matters and that the tendency of Savage and his cabinet colleagues to overrule caucus decisions lent some color to Lee's claim that he was expelled "for attacking Autocracy and Money Power."⁴⁷ Although conference expelled Lee by an impressive vote, there was some question as to whether the procedures followed conformed strictly to the principles of the constitution.⁴⁸ A leadership with more confidence in the movement and more sensitive to the importance of democratic procedures might have achieved the same result without leaving itself open to these criticisms. Beneath the personal animosity between Lee and Savage and Lee's obvious indiscretions, is a more fundamental question to be discussed later: when Labor is in power, what are the respective roles of cabinet, the parliamentary group as a whole, the executive, and conference?

After his expulsion, Lee organized a rival Democratic Labor party, which was promptly proscribed by the Labor party executive.⁴⁹ Of the 51 candidates who entered the 1943 contest under Lee's banner, all but one lost his deposit,⁵⁰ and in his old electorate of Grey Lynn, Lee himself was defeated by a Labor candidate. Labor retained a safe majority in the House, but it lost five seats and blamed Lee for this.⁵¹ Lee's party did not participate in the 1946 election. After attempting unsuccessfully to regain his seat in Grey Lynn in 1949, Lee dropped into political obscurity.⁵²

⁴⁶ *Report of the 24th Annual Conference*, 1940. The exact wording of the motion was as follows: "That John A. Lee, M.P. for Grey Lynn, having been guilty of conduct and acts inconsistent with his position as a member of his Party, this conference in the interests of the Labour Movement, hereby expels him from the New Zealand Labour Party."

⁴⁷ The official version of Lee's expulsion is recapitulated in *Report of the 30th Annual Conference*, 1946. Lee's side is stated in a pamphlet issued by the Grey Lynn Democratic Labour party and entitled, *Expelled from the Labour Party for Telling the Truth*.

⁴⁸ The question of Lee's expulsion was not on the order paper of the conference and hence branches and affiliations had no opportunity to discuss it or instruct their delegates how to vote. Lee's own L.R.C. in Auckland had expressed confidence in both Lee and Savage, after the Lee article had been read, and a motion of censure proposed. Lee's supporters maintained that while his opponents at conference were given unlimited time, his supporters were kept strictly within the three-minute rule. The Hon. W. E. Barnard, Speaker of the House of Representatives, who was the only member of parliament to resign from the party in protest over the action taken against Lee, stressed undemocratic procedures in caucus and conference in a pamphlet entitled *The Speech of a New Zealander*. There is the same emphasis in "Mr. Lee Expelled," *Tomorrow*, April 3, 1941.

⁴⁹ *Report of the 25th Annual Conference*, 1941. This action was unanimously endorsed by the conference of that year.

⁵⁰ In addition, W. E. Barnard, who ran as an Independent, was defeated by an official Labor candidate.

⁵¹ Lee's party polled four per cent of the total vote. The percentage of the total vote polled by Labor dropped from 55.8 in 1938 to 47.4 in 1943, but it was slightly higher than in 1935.

⁵² Efforts to bring about a reconciliation between Lee and the Labor party, initiated at various times by branches and industrial groups, failed. In 1952, Lee was publishing a sheet called *John A. Lee's Fortnightly*, which included two pages of comment by him.

A disciplinary problem that antedated the Lee issue and has continued to the present concerns Labor's relation with the Communist party and "Communist auxiliaries." Formal requests of the New Zealand Communist party to affiliate with the Labor party, made repeatedly from 1924 on, were consistently refused, but an earlier attitude which might be described as one of "peaceful coexistence" gave place to sharp hostility. More difficult has been the status of avowed or suspected Communists whom affiliated unions see fit to send as their delegates to L.R.C.'s or to party conferences. The party has consistently refused to waive or modify its pledge so that avowed Communists, credentialed by their respective unions, may take it in good faith.⁵³ At the same time it is possible for a "concealed" Communist to represent an affiliation if he is willing to take the pledge. Members of organizations suspected of following the Communist line have likewise been barred from membership in the party. At various times the proscribed list has included the following: "Friends of the Soviet Union," "Movement against War and Fascism," "Peace and Anti-Conscription League," "Workers' Democratic Defense Association," "Women's Charter Movement," "Society for Closer Relations with Russia." Persons identified with these organizations not only are denied party membership but may not even address branch or L.R.C. meetings. Nor may Labor groups cooperate in meetings held under their auspices, give them financial assistance, or distribute their literature.⁵⁴ In trying to protect itself from the Communist virus, the party has gone to such lengths as to direct branches not to reply to communications from Communist auxiliaries, and has given the executive power to expel a member of the party "who publicly expresses or publishes statements at variance with the party's policy in any way calculated to cause dissension and disunity within the ranks of the party."⁵⁵

Subject only to appeal to conference, control of disciplinary matters rests with the national executive. A branch may deny membership for any reason—or for no reason—and members may be suspended by branches or L.R.C.'s. But expulsion must be by action of the executive, with a right of appeal to conference. Expulsion has been used sparingly, but left-wing members complain that a broad interpretation of "Communist auxiliary" serves much the same purpose, and that there is a growing tendency to brand all criticism of the party's leadership as Communist-inspired.

⁵³ An interesting debate on this point took place in 1927. When a seat was denied a delegate from the Westland Timber Workers, the Deniston Miners' Union argued that if non-Communists sent Communists to represent them they "must trust them," and that "the thing which mattered was the Unity of the working class." Ten years later the party again defeated a remit which would have exempted from the pledge delegates from unions, but at the same time voted down as "impracticable" a resolution which would have required all members of affiliated organizations to take the pledge.

⁵⁴ In 1952 the executive warned members not to associate with the coming "Peace Carnival" in Sydney, which it described as a "smoke screen" for Communist activities. (*Report of the 36th Annual Conference, 1952.*)

⁵⁵ The latter action, endorsed by the 1948 conference, was taken during a disagreement between the waterside workers and the Labor government.

V

The internal power structure of the New Zealand Labor party is if anything more complex than that of most political organizations. Untangling the lines of authority and control in the framework already described presents major difficulties. Is conference, representing the rank and file, the "artisan of the labor movement" in any real sense, or are major decisions made by the executive, the parliamentarians, the unions, or a shifting nucleus made up of members from one or more of these groups, depending upon circumstances?

As the "supreme governing body of the party," conference might be expected to play a decisive role in initiating and controlling policy. Yet over the years it is evident that there has been a shift in initiative from conference to the executive, and a strong tendency toward direction from the chair. Under existing rules the executive prepares the remit paper, exercises considerable discretion in grouping and summarizing the remits submitted and may introduce resolutions of its own; the nomination of members of the committees which discuss and report on remits rests with it (although names may be added from the floor of conference); the "convenors" or chairmen of these committees are selected by it. In recent years parliamentarians and members of the head office staff have been favored in the selection of chairmen.⁵⁶ In part these trends are the inevitable result of the increase in the size of conference and the multiplication of the remits submitted. In part, too, they stem from the party's shift from opposition to government, from the war emergency, and from the fear that intra-party disputes may be misrepresented and exaggerated by a press largely hostile to Labor. But to some extent they reflect fear of open rebellion and lack of confidence in the good judgment of the rank and file on the part of the leaders, which is a more serious matter. Criticism of the dictatorial tendencies of the presiding officer of conference rose to a crescendo during the long "reign" of "Big Jim" Roberts, who ruled conference with firmness and an omnipresent gavel for thirteen consecutive years from 1937 to 1950.⁵⁷

The present leadership is aware of these criticisms of conference proceedings and has made an effort to create a different atmosphere. At the 1952 conference the Honorable A. J. Nordmeyer, Roberts' successor, presided with fairness: minorities were given an opportunity to express their views and in two instances recommendations of the executive were amended from the floor.⁵⁸ Nevertheless, even this conference was tightly controlled from the top in two ways:

⁵⁶ In the 1949, 1950, and 1952 conferences every convenor of a committee was a member of parliament or associated with the head office.

⁵⁷ James Roberts, who had been head of the Waterside Workers' Union, was sometimes referred to as the "uncrowned King of New Zealand." Although it was not unusual for presidents to be re-elected, none of his predecessors had served for more than four years. During Roberts' regime, there were repeated attempts to introduce election of the president by direct vote of the party membership, or limit his term of office. All were unsuccessful.

⁵⁸ Both were concerned with "Peace and War." One committed the party to strive for the development of the peaceful use of atomic energy; the other to take the initiative in launching a "Commonwealth Peace Movement." A resolution calling for the withdrawal of New Zealand's forces from Korea was defeated by a vote of 336 to 127.

most of the time was devoted to a discussion of policy reports drafted by the executive; and the convenors of all committees were selected from the personnel of the parliamentary party or the headquarters staff. The topics and emphasis of the executive reports had been decided after the president and secretary had sounded out rank and file opinion in a tour of L.R.C.'s, and probably focussed on issues which were uppermost in the minds of members,⁵⁹ but the initiative came from the top rather than the base of the party pyramid, and there had been no opportunity to discuss the resolutions in the branches before conference met.

The increased initiative of the executive is sometimes defended on the ground that if it waited for a lead from the rank and file, it would wait forever. This reflects a concern over the vitality of the branches and the L.R.C.'s that is shared by those who are most critical of the growing initiative of the executive. Between election campaigns, many branches are practically dormant, or become submerged in routine matters. Relatively few arouse themselves to send in remits for conference consideration.⁶⁰ Although the conference remit paper is sent to branches in advance of conference, in some cases it is never discussed, and in others the consideration is purely perfunctory.⁶¹ Dissatisfaction with conference proceedings, the feeling that it has become little more than a democratic facade behind which others pull the strings, is one of the reasons why many constituent groups do not feel it worthwhile to incur the expense of attendance at these gatherings. L.R.C.'s are always represented, but it is not unusual for less than half the branches and affiliations to send delegates.⁶² One is forced to the

⁵⁹ They dealt with the following topics: "Principles of Labour" (the party's position on socialism), "Labour versus Communism," "Industrial Relations," and "Peace and War."

⁶⁰ In 1952, remits were submitted from 59 branches, 15 L.R.C.'s, and less than a dozen unions. Remits usually come from the same few constituent groups.

⁶¹ One branch delegate, who was attending her first conference in 1952, reported that in her branch there was no discussion of the remit paper and that she felt poorly prepared for her responsibilities in conference. In another branch "consideration" of remits was limited to the chairman's statement, "We oppose (or favor) that one, don't we?"

The procedure followed in adopting the revised constitution of 1951 is a good illustration of how little control members may have over matters of vital concern. By vote of the 1950 conference, a committee on constitutional revision was directed to prepare a draft for discussion the following year. The committee was composed of the members of the national executive and five members from outside that body, selected by the executive from a panel of 47 nominated at the 1951 conference. The initial draft of the constitution was prepared by a subcommittee of this committee on constitutional revision, and was adopted by the full committee at meetings on March 29 and 30, 1951. At the 1951 conference discussion of the constitution was overshadowed by issues related to the waterfront dispute of that year. There were numerous attempts from the floor to amend the draft submitted, but very few were successful.

⁶² In 1951, 119 of the 218 unions were not represented; 372 of the 634 branches sent no delegates. In the case of branches, financial considerations are very important. It is a problem of loss of wages and the difficulty of securing leave of absence from one's post, as well as one's expenses while attending the meetings. It is difficult for school teachers, for example, to be absent from their jobs. Not infrequently a person is chosen because he has relatives or friends in Wellington with whom he can stay. The larger unions pay the expenses of their delegates, and union secretaries incur no loss of income if they are sent

conclusion that although branch members do most of the "leg work" during campaigns, little of the initiative in policy comes from the branches, and few of them are effective forums for the discussion of controversial issues. There are shining exceptions—branches where a few lively spirits, usually on the "left," valiantly try to keep alive an interest in ideas, and sometimes succeed for a time at least—but they are rare.

The L.R.C.'s, bringing together as they do representatives of the unions and the branches, would seem to offer an excellent forum for spontaneous exchange of ideas and for resolving divergent points of view. Actually, their effectiveness is limited by a preoccupation with routine business and local matters, leaving little time for discussion of national policy. Frank interchange of ideas is discouraged by the rules, and sometimes by the attitude of presiding officers as well.⁶³ All matters coming before the L.R.C. must be submitted in writing by a branch or affiliated organization, and are first discussed in the executive committee and usually come to the full L.R.C. meeting with an executive recommendation. Some executives view disagreement with hostility. There is a good deal of "steering from the chair," and dissenters and youthful upstarts are dealt with firmly, all of which tends to discourage open discussion. Union representatives attend in force when officers are to be elected, but at other times are much less faithful in attendance than the branch delegates. In some L.R.C.'s, this results in a continual tug-of-war between the officers, who represent the union viewpoint, and branch delegates, who tend to be more "left" in their views. Dissenters are silenced, but issues are not resolved; members who are repeatedly silenced but not convinced often turn to intrigue, with the result that far too many L.R.C.'s and branches become embroiled in what one secretary described as "personal vendettas."

The role of the rank and file in determining broad lines of policy may be debatable, but clearly the leaders have the final determination of the "Election Manifesto," which is the definitive statement of policy upon which the party goes to the electors in a campaign. In the early years, much of the time of conference was spent hammering out the platform, which every member and candidate was pledged to support on pain of apostasy. Today the Election Manifesto, prepared by a committee composed of members of the executive and parliamentary group, becomes the official policy of the party until the next campaign.⁶⁴ Resolutions passed by the last three conferences are referred to the committee, but in its final form the manifesto is neither debated nor approved by conference. Thus when parliamentary candidates pledge themselves faith-

as delegates. For this reason branches are often represented by union delegates. Area representatives on the national executive have their expenses paid by the head office and sometimes represent their respective branches.

⁶³ Reading the correspondence, which is part of the regular order of business, takes an amount of time out of all proportion to its importance; also the reports of the Labor members on the city council, hospital board, and other local bodies are often time-consuming. One gains the impression that there are times when officers welcome routine business as a way of avoiding controversial matters.

⁶⁴ *Constitution*, 1951, Sec. 12 D.

fully to observe the "policy" of the party, they are committing themselves to a program whose specific planks may be filled in after they are selected and not to a continuing statement of long-range objectives, forged in conference discussion, which stands until altered by that body.⁶⁵ The recession into the background of the party's long-range objectives, and the practice of keeping the election manifesto a carefully guarded secret until the party's leader opens the campaign, is sometimes explained as arising from a fear that if Labor's planks are known in advance they will be "stolen" by their political opponents. If true, this is pretty clear evidence that the differences between the parties have ceased to be fundamental.

The trend toward control of policy, selection, and discipline by a few is clear. But identifying this group precisely is not easy. What seems to emerge is an interlocking directorate of parliamentary and executive members, centered in Wellington, the balance within the group shifting, depending upon whether the party is in or out of power, and whether or not it has the united support of the industrial movement.

In theory, conference determines policy and the parliamentary Labor party decides how it is to be implemented. But when conference is not in session, the executive becomes the "governing body" of the party. In New Zealand there has never been the sharp cleavage between the executive and conference on the one hand and the parliamentarians on the other, nor the deep suspicion of parliamentarians by the rank and file, which have been so marked in Australia. Members of parliament are always heavily represented on the New Zealand executive and relations between the two are usually more harmonious than the relations between the executive and conference. With this close cooperation between the executive and the leaders in parliament, conference may be faced with a *fait accompli*. This is especially true when Labor controls the government and has the power to act. Repeatedly, during Labor's term of office, conference was warned that its resolutions could not bind the government, and that a Labor cabinet must exercise its discretion in determining *when* as well as *how* its program should be implemented. Thus, even in theory, the primary responsibility of a Labor cabinet would seem to be to the electorate as a whole rather than to conference or the movement which it represents.

Labor members of parliament have from the outset acted as an independent, disciplined group.⁶⁶ Within that group the balance of power shifts sharply in the direction of the prime minister and an inner group of cabinet colleagues when Labor is in power. The basic disagreement in the Lee controversy was between Savage, supported by this group, and the caucus majority. In the issue over the selection of the cabinet, Savage's contention that he be given a free hand in the selection of the cabinet was supported by the executive and even-

⁶⁵ It should be noted that the pledge, as revised in 1951, omitted reference to "Platform" or "Objective." The member now commits himself merely to observe the "Constitution and Policy of the Party."

⁶⁶ This was in strict accordance with a resolution moved by Holland and adopted at the party's first annual conference. (*Maoriland Worker*, July 18, 1917.)

tually by conference.⁶⁷ After Savage's death, cabinet members were chosen by caucus, formally at least, and under both Fraser and Nash the parliamentary group has successfully asserted its right at least to be consulted on major policy decisions. Thus the controversy did not clearly delineate the roles of caucus as a whole and of the cabinet group. What did emerge clearly was the strength of an inner core of cabinet and executive members. Savage's personal popularity and dramatic death while conference was hearing the charges against Lee led many to think of him as a martyr, and to equate loyalty to the party with loyalty to the leader. There has been considerable stress upon "following the leader" in campaign appeals ever since.⁶⁸

Even when Labor is in office, leaders must think in terms of electoral majorities and an aroused conference may force the hand of the leadership group. The complete nationalization of the Bank of New Zealand in 1945 was the successful culmination of a movement which had been vigorously pressed for years by groups in conference.⁶⁹ Again in 1949, near the end of Labor's long term in office, conference forced Peter Fraser, its leader, to delay legislation providing for compulsory military training in peacetime until that step had been approved in a referendum election.⁷⁰

⁶⁷ The constitution provides that in case of a disagreement between the parliamentary Labor party and the executive, the question be submitted to a joint conference of the members of the two bodies. In the dispute over the selection of the cabinet this procedure was followed and a compromise reached. Upon this point both sides seem to agree. However, Lee and Barnard maintained that this was a matter which lay within the exclusive control of the parliamentary Labor party, and that the executive had no right to interfere. Each side charged the other with failure to carry out the terms of the compromise formula. See *Report of the 23d Annual Conference, 1939*; J. A. Lee, *I Fight for New Zealand*; and W. E. Barnard, *The Speech of a New Zealander*.

⁶⁸ One of the posters used in the 1951 campaign showed likenesses of Holland, Savage, Fraser, and Nash, with the caption "Another Great Leader."

⁶⁹ Motions to this effect had been beaten or sidetracked repeatedly by Nash, Minister of Finance, who held the strategic post of convenor of the conference committee to which they were referred. He opposed the action on the ground that existing controls were so effective that the legislation was unnecessary. In 1944 a committee under different leadership (that of H. E. Combs, also an M. P.) recommended a resolution on monetary policy which included unequivocal support of nationalization of the Bank of New Zealand. The report was adopted by conference without Nash's support.

⁷⁰ *Report of the 33d Annual Conference, 1949*; and James Thorn, *Peter Fraser*, p. 269. The issue was a highly explosive one because of Labor's traditional opposition to conscription in time of war and the tendency to identify military training with compulsory military service. Peter Fraser had himself been among those jailed for opposition to conscription in World War I. At a special conference held June 3, 1940, the party had given the Labor government a free hand to conscript "men and money" during the war, but what was widely referred to as "peacetime conscription" was another matter. Fraser's initial request to the 1949 conference was for a vote authorizing the government "to use all the resources of the country, including compulsory military service." Opposition to this was so vocal and so bitter that Fraser later substituted a resolution requesting the government "to use all the resources of the country essential for the defense and preservation of our people, our country and our Commonwealth, and that if the resources are not available without compulsory National Service, the Government be requested to obtain the views of the electors on the question at a referendum." A referendum was held and the vote was overwhelmingly in favor of compulsory national service.

An important and even decisive voice in party affairs may be that of industrial leaders, and the position of the leadership group within the party may be seriously weakened by clashes between militants and moderates in the industrial movement. When the present New Zealand Federation of Labor (hereafter referred to as the F.O.L.) was organized in 1937, it was the hope of the political leaders that this would facilitate cooperation between the party and the unions as well as bring about industrial unity. New Zealand unions, unlike those in Britain, have no representation as such on the party's executive. But some union executives always have seats on the executive, and during Labor's term in office cooperation between the party and the F.O.L. was close. The executives of the two bodies met in frequent joint meetings and on a few occasions officers of the F.O.L. actually attended caucus meetings.⁷¹ During these years the feeling was widespread that the controlling voice in industrial matters was that of F. P. Walsh of the Seamen's Union, long an influential figure in both the F.O.L. and the party, although not a member of parliament. Peter Fraser, Labor's wartime prime minister, was himself an old trade unionist, and it was alleged that Walsh's influence reached its peak during his lifetime.

Any semblance of harmony between the political and industrial wings of the movement was rudely shattered by the dispute which began on the waterfront in February, 1951. By this time the war was over, the National party was in office, Walter Nash had succeeded Fraser as leader of the Labor party, and dissatisfaction with the rigidity of the wage structure was mounting. The previous year friction between the Waterside Workers and the F.O.L. had culminated in an attempt to organize a rival Trade Union Congress under more militant leadership.⁷² It was against this tense background that the stoppage

Fraser's handling of this issue was criticized on several counts. Left-wing party members alleged that when the issue was raised in caucus and the Prime Minister encountered opposition and a demand for additional information, he went straight to conference, implying that he had full caucus support. When the referendum was held, Fraser was attacked for failing to explore alternative courses before asking for a referendum, and for preventing opponents of compulsory military service from presenting their views. The referendum was held in August; the conference the previous May. Views critical of Fraser are expressed in Frank Langstone, M. P., *Why I Oppose Conscription*, and in Conrad Bollinger, *The Referendum Exposed*, both published by the New Zealand Peace and Anti-Conscription Federation.

⁷¹ There is no provision in the party's constitution for attendance of F.O.L. representatives at caucus meetings and Sec. 19 B would seem to preclude it. Nevertheless, the report of the parliamentary Labor party for 1941 made it clear that there were some occasions when F.O.L. representatives were present.

⁷² Even during the war the Waterside Workers had been involved in frequent disputes over the Labor government's stabilization policy, and in 1949 they had supported the Auckland Carpenters in a dispute which the F.O.L. claimed was instigated by Communists. This led to an exchange of acrimonious letters between "Jock" Barnes, leader of the Waterside Workers, and K. Baxter, secretary of the F.O.L. A second issue arose over the Waterside Workers' affiliation with the Maritime Section of the World Federation of Trade Unions, from which the F.O.L. had withdrawn in 1949. The executive of the F.O.L. asked Barnes to withdraw his letter to Baxter and disaffiliate from the Maritime Section of the World Federation of Trade Unions. When he refused, and the action of the executive was upheld by the F.O.L. conference, Barnes led the Watersiders out of

took place, eventually involving more than 20,000 watersiders, freezing workers, seamen, and some others. Lasting for five months, it was the most serious industrial conflict New Zealand had experienced for a generation. The action of the National government was prompt and drastic: the unions were de-registered, emergency regulations were put into effect, members of the armed services moved the goods on the waterfront, and eventually new unions were registered in the separate ports. Once it was clear that the government would take a firm stand, the F.O.L. denounced the leaders of the strike for undermining the arbitration system and refusing to accept the good offices of the F.O.L. in the initial stages of the dispute, and withdrew from the affair.⁷³

The strike placed the Labor party in a difficult position. In terms of votes and financial assistance, the Waterside Workers and their allies were important to the party, and Nash represented an electorate in which these workers were strong. Officially the party took no part in the early stages of the dispute. But in April, Nash, with the support of the executive, attempted to bring the warring parties together. This led to an acrimonious exchange between Nash and Baxter, secretary of the F.O.L., who maintained that the belated willingness of the Waterside Workers to arbitrate was a desperate attempt on the part of the militant officers of the union to retain control of the union and use it as a bridge-head for more "disruptive tactics."⁷⁴ Nash insisted that his action was in full accord with the Federation's initial insistence upon arbitration, and that since the National government had now taken the position that it would deal only with the newly registered port unions, the basic question had become the preservation of the unity and integrity of the Dominion-wide Waterside Workers' Union.

The strike petered out, the Dominion-wide Waterside Workers' Union was smashed, at least for the time being, and the new port unions were welcomed into the F.O.L.; the Trade Union Congress withered away; the F.O.L. emerged strengthened in prestige. Once again militants had been defeated and were faced with the hard reality that, with the F.O.L. as an ally, the government had forged "an elaborate and deadly technique of action against militant unionism."⁷⁵ On the political side, the strike left disunity and recrimination in its wake. A few rejoiced that at long last the party's leader had shown the courage to act independently of Walsh and the F.O.L. But in trying to steer a middle

the conference and organized a breakaway Trade Union Congress, including groups of freezing workers, hotel workers, and transport workers, as well as the watersiders. With an initial support of an estimated 75,000 workers, this represented a serious threat to the F.O.L., which had about 200,000 members before the break.

The 1951 strike began when the waterside workers were locked out by their employers after wage negotiations had deadlocked and the workers had refused to work overtime as prescribed by the regulations of the Waterfront Industry Commission.

⁷³ In view of the earlier differences between the F.O.L. and the Watersiders, it is not surprising that the F.O.L. leaders were content to see the militant leadership of that important group defeated.

⁷⁴ *Report of the 14th Annual Conference of the New Zealand Federation of Labor*, 1951.

⁷⁵ Leicester Webb, "Trade Unions at the Crossroads: Some Lessons of the New Zealand Strike," *Australian Quarterly*, Vol. 23, No. 4 (Dec., 1951), p. 54.

course, Nash had antagonized the F.O.L. leaders without satisfying the militants. When the adroit prime minister dissolved parliament and precipitated the unexpected election of September 1, 1951, a badly divided Labor party faced the voters. Labor's seats in parliament fell from 34 to 30 and its percentage of the total vote (45.8) was lower than at any time since 1931.⁷⁶ It is a chain of events which demonstrates the weakness of the party leaders when differences within the industrial movement erupt, and they lack the support of its leaders.

VI

The present-day New Zealand party, like Labor parties elsewhere, is challenged by serious problems. What is its course to be in a world divided between East and West? How is it to protect itself from penetration by *bona fide* Communists without imposing stultifying restrictions upon its members? Now that so much of what it fought for in the 1930's and 1940's has been won, can it forge a program in tune with the needs of the 1950's? How can it overcome the apathy of a generation which knows nothing of the depression that brought so many into its ranks in an earlier period?

It faces these problems under serious handicaps. Divided ideologically at the outset, it has never developed a firm tradition of resolving its internal differences democratically. The morale of the party is seriously undermined by an undercurrent of disaffection which manifests itself in perpetual guerrilla warfare, but is never resolved in a major encounter. Haunted by the ghost of the Lee rebellion and by the fear of Communist infiltration, leaders lack confidence in the good judgment of the rank and file, and members distrust their leaders. Loss of vitality at the rank and file level has left a vacuum which has been filled in by the leadership group; at the same time tight control from the center contributes to the atrophy of the branches. Dissidents are probably a relatively small minority of the membership, but one reason why they stubbornly refuse to concede defeat is that they feel the dice are heavily loaded against them by dictation from the platform of conference proceedings.

Preoccupation with routine business and the tendency of officers to keep a tight rein on discussion and to discourage ventilation of controversial issues have a deadening effect upon meetings of branches and L.R.C.'s. Direction from the chair may bring the immediate results desired, but it discourages the sense of participation by the rank and file, which can be a great source of strength to parties with their roots in the labor movement.⁷⁷ Leaders are justifiably critical of the apathy of members, but indiscriminate use of the label "Communist auxiliary" tends to discourage that free exchange of ideas which might help to inject new life at the branch level. Probably, also, a more challenging and imaginative educational program would stimulate wider discussion of policy matters.

⁷⁶ See note 10 for these figures.

⁷⁷ For a trenchant criticism of the labor movement by an English economist see Dudley Sears, *The Challenge to New Zealand Labour*, a pamphlet published by the Christchurch Co-operative Book Society Ltd., 1946; and Willis Airey, "Andre Siegfried's *Democracy in New Zealand: Fifty Years After*," *Political Science* (N.Z.), Vol. 6, pp. 33-51 (Sept., 1954).

The hostility of some leaders to honest criticism from even democratic left-wing members, as well as the lack of enthusiasm in the branches, creates an atmosphere which antagonizes rather than attracts young intellectuals and idealists who might contribute ideas and leadership for the future. Rebuffed, some of them drop out of the party; others remain within it, shifting their tactics from argument to intrigue. Only a very few join the ranks of the Communists, and there have been no breakaway movements since the ill-fated Lee party.

Because of the close connection between the party and its affiliated unions, the health of one is affected by the health of the other. Analysis of the internal problems of the industrial organizations lies outside the scope of this study, but it should be noted that one hears much the same criticism of the unions and the F.O.L. that one does of the party, and that more vitality in the industrial movement would give the party new vigor.

The generation which shaped Labor's destinies between 1935 and 1949 is rapidly dwindling; only a few of the old guard remain. Walter Nash, the present leader, is over seventy. Most of the ideas for which that generation fought have become facts, and the old energies and slogans are losing their force. But when one looks for the younger men to fill in their vacant ranks and give the party new fervor and sense of direction, few come to mind. Although the socialists of the early 1900's were few in number and vague in their social philosophy, they supplied much of the energy and inspiration of the early Labor party. But the venturesome spirits of today, who might supply the leadership and ideas of tomorrow, are largely rebuffed and silenced. Frustrated and cynical, some of them might well fall prey to unscrupulous and demagogic leaders, thus weakening rather than strengthening the party.⁷⁸

The constitution as amended in 1951 wrote into the party's fundamental law many undemocratic procedures which had been developing for more than a decade. These provisions can be re-written. But it will be more difficult to reverse traditions and habits of thought which lay behind them, and it will be even more difficult to inject new life into the rank and file. Many feel that nothing short of the threat, or the reality, of a major economic depression will arouse the movement from its apathy.

⁷⁸ Some think that at the present time F. P. Walsh is grooming Moohan, the vice-president of the party, as Nash's successor. Moohan, who was secretary of the party before his election to parliament, was elected vice-president in 1954. A gifted speaker, he is considered by some critics to be an exponent of Catholic reaction and anti-Communism. The sectarian issue has never been as divisive in the New Zealand Labor party as it has been in the Australian Labor party, but in 1952 there was a certain amount of concern by members who felt that the influence of Catholics in the party was growing.

TOWARD A THEORY OF INTERNATIONAL POLITICS

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Recently a group of scholars, analysts, and diplomatists met for a weekend conference on theoretical approaches to international politics.¹ Their discussion was inspired by the widespread and growing interest in conceptual and theoretical problems illustrated by parallel efforts in the study of politics, economics, law, and human relations. In the field of foreign relations the impulse toward theory comes from practitioners as well as philosophers. Indeed a former Secretary of State maintains that our most urgent need is for "an applicable body of theory in foreign policy." Practical men with first-hand diplomatic experience point to the need for rational generalizations and intellectual structures to extract meaning from the jet stream of contemporary events. The intellectual processes by which practical judgments are made along a moving front of events clearly demand inquiry and analysis. Theory in the study of international politics perhaps deserves a special priority because of the urgency of the problem and the stridency of the debate generated by competing approaches each claiming to have preempted the field. Perhaps what is called for is a sorting out and assessment of the intellectual factors that go into diverse theories of international politics at varying levels of abstraction and generality. This sorting out was one of the objectives of the conferees. Similarly this paper seeks to review the nature and purpose of theory, its limitations, and the characteristics of the chief types of theory in international politics.

Until comparatively recently most publicists and scholars had given little thought to formulating a theory of international relations. "Men have generally dealt with international relations on one of three levels, all alien to theory: history, reform, or pragmatic manipulation."² History is seldom considered theoretical, for its paramount goal is to illuminate the uniqueness of events. It is true that historians like Ranke have stressed the interdependence of theory and history, ascribing to history the role of checking and illustrating theory and imputing to theory the function of integrating and directing history. However, theory in these terms is seldom explicit; it is almost always fragmentary and implicit in character. "In such historians of international relations, theory is like the skeleton which, invisible to the naked eye, gives form and function to the body."³ History differs from theory in its resort to a chronological recital of events to demonstrate its oftentimes unavowed theoretical propositions. By

¹ Robert Bowie, Dorothy Fosdick, William T. R. Fox, Walter Lippmann, Hans J. Morgenthau, Reinhold Niebuhr, Paul H. Nitze, Don K. Price, James B. Reston, Dean Rusk, Kenneth W. Thompson, and Arnold Wolfers. George F. Kennan was not in attendance but submitted a paper.

² Hans J. Morgenthau, unpublished paper, "The Theoretical and Practical Importance of the Theory of International Relations," p. 1.

³ *Ibid.*, p. 2.

comparison, the theorist turns from chronology to modes of analysis that can use the events of widely separated periods despite the fact that their only bond is their relationship to a principle and not proximity in time. History is past politics and as such provides the raw stuff of theory. But fundamentally history and theory are unlike in purpose and in form.

Reformers, in contrast to historians, make their theories explicit. They focus, however, on international relations not as they are but as they ought to be. Hence reformers, like historians, are not primarily theoreticians. Practitioners look to the present more than do reformers; statesmen, at least some of the greatest, conceive of international relations in terms of a generalized picture of the international scene. They see concrete cases as examples of more general or theoretical principles. They are inhibited, however, in their concern with the theoretical by the imperatives of practice and policy and only rarely when these immediate demands recede into the background can they afford to make their theories explicit. Statesmanship, as history, can serve as the handmaiden of theory for "those engaged in practice may have insights derived from concentrated experience and thought on the particular nodes where action was significant and possible, which can both assist the theoretician and serve as test checks on his theories."⁴ Their practical concerns, however, prevent them from developing theories general enough to account for behavior on the international scene. Only scholars who analyze, compare, and evaluate the words and deeds of leaders like Bismarck, Churchill, or Wilson can uncover the essence of their approach, i.e., their theory.

The Purpose and Functions of Theory. Observers can point to intellectual activities which are not primarily theoretical more readily than they can define or identify theory. Those who assert the possibility of theory for the field of international relations confront the same obstacles, ambiguities, and contradictions on which all past theories of history and politics have suffered shipwreck. The material with which the theorist must deal confounds and frustrates his task at almost every point. The substance of theory is history, composed of unique events and occurrences. An episode in history and politics is in one sense never repeated. It happens as it does only once; it is nonrecurrent in that it has never happened before nor will it be repeated again. In this sense, history is beyond the reach of theory. Underlying all theory, however, is the assumption that these same unique events are also concrete instances of more general propositions. The wholly unique, having nothing in common with anything else, is indescribable, for we know that all analysis (and even description) is made in terms of predicates, class concepts, and repeatable relations. Both recurrence and uniqueness are present in history as in everything else, and the logical difficulty in reconciling them is neither greater nor smaller in international relations than in other fields.

The purpose and function of theory is not to provide a "substitute for the

⁴ Paul H. Nitze, unpublished paper, "The Implications of Theory for Practice in the Conduct of Foreign Affairs," p. 4.

art of decision-making in foreign affairs, which, in view of the infinite number of combinations of multitudes of variables that form any concrete solution, must always remain in part a matter of risky choices based on more or less rational hunches."⁵ Theory may serve to enhance the rationality of choice of decision-makers by helping them in the articulation of a more fully consistent view of the factors of the external environment. Yet the statesman is bound to a world of contingencies and pressures. He must express his philosophy from time to time as rough guides and rules-of-thumb that can only be limited and restricted in character. Whether this is a permanent condition, the conference was not agreed. It was suggested that the field of medicine offers an interesting parallel to decision-making. The medicine man of an earlier age was turned into physician as philosophical and scientific inquiry gave him new insights and resources. In the same way the policy-maker today is handicapped by the fact that his rough generalizations are sometimes drawn from a single experience. With better data and more accurate theories he can become more nearly "a physician of policy." It should be noted that this analogy was not accepted by those members of the conference who resisted the notion that the realms of nature and human behavior can readily be equated.

The function of theory as conceived and discussed by the participants is threefold. First, and perhaps most basic, it makes possible the ordering of data. It is a useful tool for understanding. It provides a framework for systematic and imaginative hypothesizing. It gives order and meaning to a mass of phenomena which without it would remain disconnected and unintelligible. This function is one emphasized particularly by Professors Fox and Morgenthau. The ordering of data can help the observer to distinguish uniformities and uniquenesses. In one scheme of analysis, for instance, it helps us to understand and distinguish the relatively fixed, the changing but uncontrollable, and the manipulatable aspects of world politics. In another, it guides us in considering the manifold social configurations of politics by offering an organizing principle founded on the most distinctive characteristic of politics, the struggle for power. Theory holds out the tools whereby the observer can discover in the welter of events that which is recurrent and typical. It satisfies man's need for intellectual orientation in a vital sector of existence.

Second, theory requires that the criteria of selection of problems for intensive analysis be made explicit. It is not always recognized that whenever a particular problem is selected for study and analysis in some context or other, there is practically always a theory underlying the choice. The idea of a presuppositionless social science has often been warmly embraced by prominent and aggressive research groups, but has tended more to mislead than to clarify the true nature of most research. It must be obvious that while social scientists should steel themselves to be as objective as possible, the notion that one band of observers goes about its task with a heavy baggage of biases and preferences whereas another starts free from all theories and presumptions is of course a

⁵ Arnold Wolfers, unpublished paper, "Theory of International Politics: Its Merits and Advancement," p. 1.

grotesque caricature of social studies. Theory can serve to make more fully explicit the implicit assumptions underlying a research design and thus bring out dimensions and implications that might otherwise be overlooked.

Third, theory can be an instrument for understanding not only uniformities and regularities but contingencies and irrationalities as well. It can make possible "the creative elaboration of fruitful hypotheses which bear on the relationship between specified variables."⁶ In modern politics there is a need for specific knowledge of contingent factors. It is argued, for example, that an anatomy of tyranny that deals only with general laws and similarities cannot adequately illuminate the differences between a nihilistic philosophy like nazism and a utopian one like communism. Present-day ideologies and revolutionary forces are variables that complicate the traditional roles of the major powers and must therefore be seen as they relate to other constants and variables. The function that theory serves will be determined by the problem and the intellectual interest of the observer.

The Nature and Content of Theory. The content of theory is also a consequence of the particular aim and interest of the student. The author of one of the papers for the conference suggests that at least four elements should go to make up a comprehensive theory.⁷ The first element in a theory must be the "givens" on the world political scene, such as the ruling conception of politics, the geographic factors, and aggregates of natural resources. Another element involves long-run basic changes, such as the rise of nationalism or the spread of the coal-and-iron technology. A third element, not to be overlooked, consists of the contingencies consequent upon state policies over which comparatively little rational control is assured. The policies of other states and of one's own state as they are shaped and influenced by domestic forces and political systems are illustrative. A fourth element concerns those areas of choice involving levels of preparedness, patterns of alliances, and use of organizations for peaceful change that arise as part of a free and rational decision-making process. A theory that included these four elements would exhaust the basic relevant factors of international politics.

In practice, of course, no single existing theory at any significant level of abstraction does justice to all these elements. Insofar as the variables and contingencies of international politics can be understood and discussed at all, it is as concrete and limited theoretical propositions. For instance, the irrationalities of state policies over which we can have little rational control stem in part from the tendencies of differing forms of political organization. If we introduce the notion that totalitarian governments consistently overestimate their own power and underestimate that of others, we are dealing with a specific theoretical problem. Theory in its present state cannot handle complex bodies of variables in any complete sense. There are specific theoretical state-

⁶ *Ibid.*, p. 5.

⁷ William T. R. Fox, unpublished paper, "International Relations Theory and Areas of Choice in Foreign Policy," p. 3.

ments which can be observed and tested, however, and the resulting findings can be employed in the building of more complex theoretical models.

We are still left with the dilemma of uniqueness and recurrence unless we can arrive at a more coherent view of the nature of a theory of international relations. It should be clear that the influence of public opinion and domestic politics on foreign policy is always uncertain, usually unpredictable, and rarely subject to significant theorizing. By contrast, the choices that are open to a policy-maker in formulating a nation's foreign policy are in general limited in character and rooted in the historic policies that his predecessors have followed. The choices of statesmen are limited by the range of national objectives; national interest is susceptible of theoretical understanding. The fact is inescapable that individuals with quite different personal and political philosophies, like Bevin and Churchill in England or Acheson and Dulles in this country, conduct foreign policies that in practice are similar if not identical in basic objectives. This fact makes a theory of international relations possible. It reflects the rational character of international relations uniting the observer, the statesman, and the international scene.

"A theory of international relations is a rationally ordered summary of all the rational elements which the observer has found in the subject matter. Such a theory is a kind of rational outline of international relations, a map of the international scene."⁸ It is grounded in the assumption that foreign policy is pursued by leaders who if successful must be conscious of objectives which are essential to national security. Because of this characteristic, it is possible for the political analyst and historian to retrace the steps of past decision-makers and anticipate those of statesmen of the future to the extent that state behavior is rational. The national interest is the least common denominator of rational foreign policy and the most general level of theoretical understanding. Everyone is of course aware that nations are in practice deflected from a rational course by errors of judgment and emotional preferences. A theory of international relations thus points to the contrast between the empirical reality of the international scene and what it tends inherently to be but can never completely become. The difference between a wholly empirical and a theoretical conception of international relations is like the difference between a photograph and a painted portrait. "The photograph shows everything that can be seen by the naked eye. The painted portrait does not show everything that can be seen by the naked eye, but it shows one thing that the naked eye cannot see: the human essence of the person portrayed."⁹

A theory which deals with the rational elements of international politics can come to terms with the "givens" in the world political equation, the long-run basic changes, and the areas of choice in foreign policy. It can take account of the areas of state policy over which there can be slight control—such as domestic politics—only by showing how through these influences actors can be de-

⁸ Morgenthau, p. 5.

⁹ *Ibid.*, p. 6.

flected from the course that rational theory would indicate they should follow. Theory provides a base or fixed point upon which analysis can be founded in the face of irrationalities and contingencies that no theory can deal with at this stage of our intellectual development.

The Limitations of Theory. Thus theory can at best portray the essence of international politics. The practitioner who must labor in the vineyard of empirical reality, however, finds its functions limited for him in a threefold way. In the practitioner's realm thinking must focus on concrete actions, while theory attempts to deal with a full continuum of thought. No one theory can be adequate or relevant to all his tasks. The subject matter of theory and practice is essentially ambiguous, and the practitioner is often required to take up where the theorist, because of his material, is obliged to leave off.

The first limitation is possibly the most serious. Some decision-makers prefer "to prick out a policy" case by case. They are distrustful of formal theory which is often too general for their purposes. They are skeptical about carrying any theory too far. They point out that "a wrong theory, an oversimplified theory, or a theory applied out of context can produce disastrous results."¹⁰ Too often theory gives no apparent guide-line for practice and the best the policy-maker can do is to avoid commitments that would oppose a new line of action if the first fails to work out.

Another persistent obstacle to the application of theory in practice is the inherent limitation of any one theory. Even for the scholar "no one theory may be equally accurate in explaining the cycle of peace and war, the rise and fall of great states, the extent to which the future is already implicit in the past, why certain states are 'great powers' and so forth."¹¹ Yet even if such a theory were intellectually possible, it might not be particularly useful in aiding the statesman having to deal, for instance, with the threat of a Russo-German coalition. For his purposes, a theory of less architectonic proportions which revealed something about historic Russian and German foreign policy could be more helpful.

The theorist, as we have seen, faces problems that set inherent limits to this task. He works with materials consisting of events that are at the same time unique and repetitive. Two events may be alike in certain respects; they will never be alike in all respects. He must ask himself how these differences affect the validity of a theoretical proposition derived from either one of them. Professor Morgenthau illustrates the problem in these terms:

We might have learned from one situation that it is wrong to make concessions to an imperialistic nation or to intervene in a war between two other nations. Obviously, it cannot follow that one ought never to make concessions to an imperialistic nation nor intervene in a war between two other nations. A theoretical proposition is correct only under the assumption that all the relevant elements in the situation which have given rise to it are present in another situation and that no new circumstances are intervening, modifying their relevance.¹²

¹⁰ Nitze, p. 2.

¹¹ Fox, pp. 1-2.

¹² Morgenthau, p. 4.

Yet who can say with absolute certainty that all essential elements unaltered by circumstances are present in two situations? It was wrong, we say, to make concessions to German imperialism. Is it equally wrong to yield at any point to Russian imperialism or to Chinese imperialism? Is Churchill's plea for a conference "at the summit" no less mistaken than Chamberlain's "Peace in our Time"? The Nazi will to power was a form of the general will to power, yet it was also unique in its fanaticism. Wisdom develops with the awareness of the presence of both constants and unique events on the historical scene. Theory confronted by ambiguities which call it into question at every turn must guard against taking itself too seriously. Often the best the theorist, no less than the diplomat, can do is to play by ear and be satisfied with a series of hunches.

If this is the fate of theory, there is a point at which theory and practice join hands in a common task. That the judgment and wisdom of the practitioner are the fruits of a pragmatic conception of theory is sometimes overlooked. This in spite of the fact that a prominent policy planner can say in reviewing the formulation of foreign policy: "Facts must be ordered to bring out significant generalizations; assumptions have to be made as to the probable causal interrelations between diverse factors; judgments must be made as to the hierarchy of values and of objectives."¹³ Yet the relationship between theorists and policy-makers in the past has not been too creative. Theorists sometimes imply that those engaged in practice are lacking in original and valid insights and exempt from broader intellectual influences. Practitioners in turn maintain that a wrong theory can be worse than no theory at all. They regret that academic scribblers often philosophize at a level of abstraction and generality that so frequently is irrelevant for their task.

However, the limitations of theory inherent in the ambiguity of its materials encourage wider contacts between theorists and practitioners. Theory must have some place for the intuitive understanding of contingent factors in concrete situations. No one deals more continuously than the policy-maker with these contingencies in relation to the constants of international life. Theory attempts to deal with a broad continuum of thought, whereas the decision-maker faced with concrete problems must work at nodal points on the continuum. A theory is as good as the repeated evidence of its validity. On this theorists and practitioners appear to agree. A theorist can say: "Analytical propositions, whatever the theoretical framework in which they are placed, which purport to 'explain' have first to be subjected to empirical testing and then reformulated to take account of the difference between the theoretical model and the actual observation."¹⁴ A practitioner believes that through insights derived from concentrated experience the validity of theory at important points on a continuum may be tested.¹⁵ The deductive intuition of the practitioner coupled with the empirical context within which he operates will be recognized as an important tool of theory only when the nature and limitations of theory are more fully perceived.

¹³ Nitze, p. 1.

¹⁴ Fox, p. 5.

¹⁵ Nitze, p. 4.

Types of Theory. Walter Lippmann, speaking from a rich familiarity with both theory and practice, reminded the conference of the existence of at least three forms of theory. Normative theory is one form. Another form could be a general theory of politics. He noted: "There might or might not be a general theory that will tell you how the world will behave whether you like it or not. And another use of the word theory concerns theory, conscious or unconscious, on which a man, nation, or government is acting."¹⁶ Mr. Lippmann observed that behind almost every act is an implicit theory. It is useful and important to know more about this field. The conferees adopted Mr. Lippmann's formulation and went on to discuss in some detail the three types of theory.

1. *Normative Theory.* Normative theory is the study of politics in terms of ethical desiderata. It is perhaps alarming that political scientists, by allegedly confining themselves to the study of facts as contrasted with values, so often fail to take stock of this realm. The scientific approach blunts the fact that ethics and purpose relate to practical matters. The conferees agreed that it is blatant hypocrisy to say that the study of ends, purposes, and values is not a field of theory. They affirmed that we need a theory for the evaluation of norms as they are evolving in society. We need to consider the nature and content of national purposes and objectives at crucial points in our history. We need to understand the processes and standards of moral discrimination and the criteria by which we measure good and evil. We must perceive the levels at which normative thinking is necessary and possible and the hierarchy of values in a society. We need to face the moral issue in the peculiar context of international relations.

"The moral issue is so persistently raised, both in the theory and in the practical conduct of international affairs, not only because men honestly seek to do the right in their collective, as well as in their individual, life; but because they cannot follow their interest without claiming to do so in obedience to some general scheme of values."¹⁷ This invites the two baffling and inescapable problems of moral pretension and moral cynicism. Nations are more inclined than individuals to follow their own interests; the imperatives of national security and survival require the statesman to distinguish his personal and public responsibilities. There is no clearer and more poignant example than Lincoln's subordination of his private views on slavery to the goal of the preservation of the Union. Nations always pretend to have a purer devotion to morality than they actually have. They are not as pure in their actions as they claim to be in their intentions. Moral pretension arises from the claims of a nation that it has acted not from self-interest or national security but in obedience to some higher purpose like "civilization" or "justice." When the conduct of foreign policy is democratic, this tendency increases rather than diminishes. Some authorities say that those responsible for postwar American foreign policy have claimed more benevolence for our policies than they deserve. This pretension inevitably arouses the resentments of people who envy our wealth and fear our power. In France and Asia, in the conduct of the Marshall Plan, and with Technical Assistance, we are sometimes accused of "compounding the

¹⁶ Transcript of Conference, p. 5.

¹⁷ Reinhold Niebuhr, unpublished paper, "The Moral Issue in International Relations," p. 1.

sin of imperialism with the sin of hypocrisy." The antidote to pretension may be to remind ourselves that "though the exercise of our hegemony is a splendid example of the application of a wise self-interest when informed by loyalty to principles transcending national interests, it is important not to claim too much for the moral quality of our policies."¹⁸ The moral issue in international relations consists as much in moderating moral pretensions as in erecting norms for man's collective life.

Yet hypocrisy is "the inevitable by-product in the life of any nation which has some loyalty to moral principles, but whose actions do not fully conform to those principles. The price of eliminating those hypocrisies entirely is to sink into a consistent cynicism in which moral principles are not operative at all."¹⁹ We might ask ourselves if it is significant that over the last decade no United Nations delegation has spoken out against the Charter, and in particular against the aims and purposes set forth in Articles 1 and 2. Is it true that national interest involves a range of concerns inclusive not only of specific geographical and power objectives but also of the world system and standards of behavior under which we can act most effectively? Is moral cynicism assuaged by the loyalties of peoples operative in their moral life to prevent the national interest from being conceived too narrowly and selfishly? Ought we to strive to make more rigorous distinctions between what is possible for governments inescapably accountable for security and survival, and the people at large whose ends may transcend national boundaries? Does this awareness present both the problem of reducing popular enthusiasm to the limits of practical statesmanship and the possibility of encouraging the state to find the point of concurrence between its interests and the more universal interest? Has this sensitivity marked the difference between German policies, when they have ostentatiously rejected moral principles if they did not serve concrete selfish interests, as compared with appeals to moral principles by the English inviting at the same time hypocrisy and those qualities institutionalized and preserved in a Commonwealth of nations?²⁰

Nations display a continued ambivalence, claiming in one moment to hold moral obligations without regard to selfish interests and in the next moment insisting that only security and survival govern their conduct. Nations are not often subject to the idea that "He that loseth his life shall find it." Yet there is some general impulse behind self-interest illustrated and exaggerated by the Utilitarian presumption that "a wise man determines his interest so broadly that it includes everybody's." In the face of the moral anguish revealed by this ambivalence, what is the role of normative theory? In plain words, what would a normative theory look like amidst the bewildering issues of modern international life? One American theologian has ventured to give some form and content to such a theory and the conference turned its attention briefly to the main elements of his conception of a normative theory.

¹⁸ *Ibid.*, p. 4.

¹⁹ *Ibid.*, p. 5.

²⁰ "One could make similar comparisons between the inevitable pretensions involved in our failure to realize the 'American Dream' in our race relations, so poignantly described in Myrdal's *American Dilemma*, and the consistent realism and unhyprocritical cruelty of the South African approach to this problem." *Ibid.*, p. 5.

For Reinhold Niebuhr, the theorist must come to grips with his subject on at least two levels. In the more ultimate dimension of pure morality, he must face the questions of the source and content of moral standards and the nature of a definition of the good. At the level of a proximate political and social morality, he must deal with the factors of interest and power. Niebuhr rejects what he considers the Aristotelian attempt to define the good as "conformity to a pre-established ontological pattern of being." Instead he insists on looking for a more flexible definition of the good and finds it in Santayana's phrase "the harmony of the whole which does not destroy the vitality of the parts." The unique vitality and freedom of the parts and the harmony that results when the coercive force of tyranny does not decisively constrain them provide the criterion of moral value. Justice or the good is possible when liberty and equality are preserved.

Social or political justice, however, is attainable in a context where community or order must prevail, and the organization of any community, whether national or international, demands the inevitable subordination of one man to another or the parts to the whole. Liberty and equality in the political context become regulative principles, not simple possibilities. Justice in concrete international situations involves "giving each man his due." We arrive through the process of endless discrimination, debate, and what philosophers call political prudence at a tolerably acceptable concept of man's due wherein general principles provide us with at most rough guides to action.

Liberty is a proposition that arises in western culture because of the Christian and Hebraic traditions. Nevertheless a proposition that is true transcends its presuppositions and Nehru, for example, who prefers to reject western presuppositions, demands liberty for India. Liberty, it appears, is an inevitable norm or regulative principle without being sufficient in itself. National self-determination became an absolute, co-extensive with justice, for some post-World I western statesmen. It led to the breakdown of the European economy when it obscured the harmonizing role that had been played by the Austro-Hungarian Empire. It brought on a resentful and impractical order. In a situation characterized by the choice between self-determination and order, the statesman can only play by ear. Similarly, too much equality may sometimes be an evil. Those nations who oppose the United States today because it has too much power conceal the fact that without American power western civilization might be destroyed.

Put in more general terms: "Political morality contains an inevitable ambiguity because the factors of interest and power, which are regarded as an irrelevance in pure morality, must be at least tentatively admitted to the realm of social morality. Self-interest may be a source of discord ultimately; but it is tentatively necessary to prevent the harmony of the whole from destroying the vitality of the parts."²¹ Power can serve as a counter-weight against power in the interests of justice. It may facilitate coercion when the order of a community is in danger. Tyranny is sometimes more desirable than chaos. For instance, some observers maintain that the sole alternative to chaos in some Far Eastern countries has been tyranny. Moreover, the legitimacy of a traditional

²¹ *Ibid.*, p. 2.

society that is in a state of neither tyranny nor chaos but is governed by custom, myth, or tradition confronts the west with yet another alternative. It is clear that the good is some kind of harmony, but the emphasis in normative theory must ultimately be on the *kind* of harmony. Specifically, in normative terms it must be a particular kind of harmony that includes equality and liberty.

In view of the infinite contingencies in the historical situation, a normative theory cannot take on more content or body than is possessed by these regulative principles. An historical situation cannot produce a theory which can tell you how much you should trust the future against the present or the past against the present or future. A good theory would have to recognize the existential fact of the difference between interests and ideals. It could clarify the assumption in a democracy that the resort to violence is immoral. It might help nations avoid ideological taint, as when they formalize their own national principles into the contractual rules of international relations. It might provide an estimate of the cost of one set of values as against another. It could test the efficiency of a given set of means for the achievement of a particular end. It would help statesmen find the point where the general good and the national interest come together—if they do.

In his paper, George F. Kennan reminded the group that the conduct of foreign relations ought not be conceived of as an end in itself, but rather as one of the means through which a higher purpose was preserved. Foreign policy, in brief, is a means to an end. He argued that among the overall purposes of sovereign states had been the glorification of dynasties, the fostering and employment of military virtues, and the spread of a particular social theory. The object of this government for the founding fathers was to serve as a means for protecting the individual in his exercise of certain rights, including life, liberty, and the pursuit of happiness. The problem of foreign policy amounted simply to determining what could be done in the handling of foreign relations to promote these objects. The first answer was to safeguard the national soil from military or political intrusion, for only if the nation's security was upheld could the political processes of freedom be preserved. Secondly, it called for the protection and assistance of our citizens when their activities spilled over beyond the national boundaries. These two functions—promoting national security and private American activities abroad—were all that flowed directly from the original objects of American society. Foreign policy in these terms was moderate, restrained, and ever attuned to the realities and limits of power.

All this was to change with the twentieth century. A posture deriving strictly from the objectives of society ceased to be satisfying when a spirit of romanticism seized the nation. We began to flaunt the American dream. We were content with our expanded borders. We chose to picture the rest of the world as of necessity as content as we were. All that was needed for world peace was a set of contractual relations whereby this happy status quo might be formalized and preserved. A world parliament, constitution, and framework of treaties of arbitration and conciliation would do for others what their national models had done for us. The cultivation of these utopian schemes, flattering to the nation's image of itself, took place at the cost of our feeling for reality. We closed our eyes to the menacing realities of ambition and power.

A normative theory calling for clarity on the objects and purposes of society might help states to remember what was basic to their national lives and to distinguish among a society's means and ends. It is barely possible that the element of moral pretension may be a more consistent cause of conflict between nations than the competition between frankly avowed national interests. Normative theory causes men to cross the threshold to wider questions of philosophy and ontology, for "moral pretension is but one aspect of the general inclination of modern men, who are undoubtedly agents in history, to forget that they are also creatures in the very historical process in which they must take responsible action."²²

2. *A General Theory of International Politics.* The prospects of a general theory of international politics are foreshadowed in our earlier discussion. The ambiguity of historical experience presents students of both normative or general theory with a welter of data from which to choose. The events he essays to compare and evaluate are at one and the same time unique and similar. It is only because historical experience contains an element of normality, regularity, and rationality that we can understand it as a continuum susceptible to abstraction and generalization. The pitfall of theory is obviously one of distinguishing by means of appropriate criteria of selection and relevance the repetitive from the unique. The conference was somewhat at odds on the point of the level at which a general theory was most likely to transcend these obstacles and difficulties.

²² *Ibid.*, p. 7. Paul Nitze in a recent address to the National Council of Churches puts the moral issue in a new and original setting. Mr. Nitze concedes that the immediate object of our foreign policy must be the fostering and elaboration of an international environment in which nations organized as we are can prosper and survive. The means to this end must be the development of the influence and power of ourselves and our friends and the reduction of the power of our enemies. Yet the men in the Kremlin hold precisely the same aim. Mr. Nitze notes: "The basic moral issue would seem to arise from the question of the ends to which power is dedicated, the means with which it is pursued and the attitude informing the entire endeavor." He quotes John Adams who enunciated a system of values hierarchically arranged as constituting the American spirit of patriotism. The highest level he reserved for piety, or the love and fear of God, and a general benevolence to mankind. The second level he assigned to the attachment to country and a zeal to promote, reform, and improve it. The third involved the prejudices and wishes of individuals or parties. Nitze concludes: "It is the absence of consideration for the first or highest level in Leninist-Stalinist doctrine and the substitution therefor of the third level in the form of absolute claims of a particular party, which underlies our confidence that it is possible to make moral distinctions between our attitude and that of the Communists." The lines of convergence between national interest and the welfare of mankind are not always clear. It is necessary always to pay heed to the context of decisions. For instance, we are asked how we reconcile our position against colonialism with support of the French in Indo-China and North Africa. How reconcile our fight against fascism with military talks with Franco? Or hatred of communism with support of Tito? Or encouragement of the enslaved peoples of Central Europe with the refusal to go to war to liberate them? Are we sacrificing a higher principle to a lower or more immediate end in each of these instances? If one looks at each problem in its context it is difficult to see "the long-term higher principle or end which could be served by increasing Ho Chi Min's sway in Southeast Asia, in driving Tito into the arms of the Kremlin, in isolating Spain or in going into a general war to liberate the oppressed peoples of Central Europe." This is a practitioner's concept of normative theory.

It was maintained by some participants that theory is possible only at the level of general abstractions on the rational character of international politics. If the theorist attempts to become too specific, he is confronted with experiences for which general laws or principles cannot be successfully erected. The unique occurrences in history are accidental and display no element of rationality. There are, however, events in history that show a rational sequence and causal relationship; for these events, observation and generalization is possible. The practical application of some general principles that are tenable at one level may be difficult. Take the principle of Machiavelli that one should "never make an alliance with a stronger nation." The calamitous experiences of the Italian and Greek city states when they departed from this principle provide evidence of its relevance. At the level of practice, however, there are circumstances where weaker nations probably are obliged to make such alliances even though there is a basic uniformity between their situation and that of the city states. The most rational approach is highly discriminatory in relation to the real situation we can know. Principles or "laws" in a general theory partake of many of the same qualities as regulative principles in normative theory. The benefits which flow from over-abstraction were discussed. Several discussants noted that sometimes the "maximizing procedure" in theory was essential, as when one assumes that the USSR wishes to maximize its power and then traces the variables—for example, recent changes in Soviet tactics.

This approach to theory was vigorously challenged by proponents of another view. Spokesmen of this other approach argued that what is lacking in theory today is "the predictability and variability of concepts and thinking." They argued for the behavioral social sciences and pointed to recent successes in the classification of behavior. Theory is no less rational when it employs a great number of variables than when it deals with single variables. Special criticism was leveled at pernicious abstractions that characterize "Britain" or "France" as real entities (reification). Far more complex models, based on the irrationality of a multitude of actors, must be constructed. Instead of looking at the essence of statehood, the observer should consider the "human element." Individuals have loyalties that ramify through the varieties of human communities including the family, church, or labor union; the state is merely one datum point on this spectrum. This approach insists upon dealing with specific, middle-range theoretical problems subject to testing and research. For example, theorists might study the proposition that "totalitarian governments overestimate their own power and underestimate the power of others." Or "democratic governments are influenced by the assumption that peace is more desirable than violence." In the present state of thinking, these problems present theorists with the challenge to come down from the highest level of abstraction and confront problems more concrete in character. The emphasis is upon empirical verification, use of insights from other social sciences, and model building at a more sophisticated level. Here "behavioral or psychological aspects centering on the unmistakable existence of individual persons and methodological problems . . . [are] pushed to the fore."²³

²³ Wolfers, p. 4.

The swing of the pendulum toward a full-fledged behavioral science of international behavior may have led to the neglect of the situational components of international relations. The hiatus currently existent between the two major approaches to a general theory has left fallow ground unplowed by either group. Studying the relatively changeless features of a nation's foreign policy or the more or less objective factors of the international landscape provides a fixed point of reference. When individuals with quite different political philosophies conduct foreign policies which are similar or even identical in basic objectives, the situation of international politics has clearly imposed direction and limitations upon the actors. Theorists who may be prone to conceive of foreign policy as a mere reflection of the political philosophies or irrationality of particular actors would do well to inquire into substantive problems cast up by the social forces and conditions of the external environment. In turn, those who begin with general principles about major foreign powers should not be oblivious of changing or unique factors. For instance, the theorist must recognize communism as a unique factor influencing historic Russian policies. A closer union between the philosophical and behavioral approaches might go a long way toward solving the unfinished business of current theoretical work.

3. *Theory as the Basis for Action.* A third type of theory concerns the relationship between the assumptions or theories of statesmen and their conduct of foreign policy. Such an approach attempts to clarify the connection and interrelation between words and deeds through the theoretical treatment of historical personalities and their policies. Inquiries of this kind throw light on the vacillation between idealism and realism in American theory and practice. What is the relationship between the two and what are the decisive elements which make them different? What were the tragic choices in Lincoln's political life arising from this conflict, or in the policies of Adams or Hamilton? A significant analysis might cut both ways to lay bare the illusions in the American tendency to think that history is more malleable than it is (idealism) or that it is characterized by certain immutable laws (realism). The fascination and appeal of the intellectual trend inherent in this approach to theory is its close relevance and application to history as over against the remoteness of pure conceptualization.

The Present State of Theory. The present state of theory in the field of international politics is compounded of vigorous debate, intellectual growth, and little unanimity on points of detail. Only the tyranny of intellectual life would be served by installing one approach as pre-eminent. Theory without verification is metaphysics. Mere empiricism and classification without theory cannot but be aimless. The lines of convergence of the practical and theoretical are clear for all to see—assuming that the worthy character of a wide range of intellectual activity is recognized and accepted. The needs of the field are so striking that the best efforts of our most seminal and powerful minds cannot exceed the challenge. A spirit of mutual respect must increasingly animate good theoretical work.

INDIAN AND WESTERN POLITICAL THOUGHT: COALESCENCE OR CLASH?*

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American political scientists are still teaching courses labeled "Comparative Government" with little or no attention to the government and politics of the largest states of the world today, and they are still teaching something called "Political Theory" or "History of Political Thought" with no more than casual reference to the ideas underlying non-Western civilizations. The neglect of Indian polity¹ is particularly striking and particularly serious, for apart from Western political thought it comprises probably the most extensive and most important body of political philosophy. Moreover, it is an integral part of the Hindu civilization of the past and the present. That civilization, as Radhakrishnan and Toynbee, among others, have pointed out, is alien to Western civilization, although there are many similarities; and the present encounter between the two civilizations comes at a time when both are in a period of crisis and transition. Such considerations are basic to an understanding of the stresses and strains in the relations of India with the Western world. Behind the tensions that arise between the United States and India, for example, lie differences in views of life and modes of thought and conduct, complicated by uncertainty, inner struggle, sensitivity, misunderstanding, and inexperience in playing new and difficult roles.

According to Arnold Toynbee, most of the world's civilizations, past and present, have been non-Western. Three of the five surviving civilizations in his list—the Islamic, the Hindu, and the Far Eastern—are non-Western, and another—the Orthodox Christian—has absorbed many non-Western characteristics. Moreover, Western Christendom "is a product of Christianity" which "arose outside the limits of Western Christendom, in a district that lies today within the domain of a different civilization: Islam."² Of all the surviving civilizations, the Hindu differs most fundamentally from the Western Christian, and yet it is the civilization which has experienced the most intimate, and in many ways the most disturbing, contact with the West.³ Those who are interested in understanding and in interpreting the nature of the present world crisis can profit from a study of the encounter between the Western Christian and the

* This paper was first presented at the fiftieth annual meeting of the American Political Science Association in Chicago, Sept. 9, 1954. For helpful suggestions and advice I am particularly indebted to the members of the panel who discussed the paper at this meeting, and also to Professor N. G. D. Joardar, Miss Indira Nalin, and Mr. S. P. Singh.

¹ An examination of any basic text in political theory will provide ample proof of this neglect. The same conclusion will be reached from a review of past programs of the American Political Science Association.

² Arnold Toynbee, "Civilization on Trial," *Atlantic Monthly*, Vol. 179, pp. 34-38 (June, 1947).

³ Arnold Toynbee, *The World and the West* (New York, 1953), Ch. 3, "India and the West."

Hindu civilizations. Actually, three of the five surviving civilizations have met in the Indian subcontinent, for Islam too has had a powerful impact in that part of the world. Thus in the so-called struggle between East and West, India is an area of very special significance.

At this point a word of caution is necessary. All references to "East" and "West" and to the differences between "civilizations" are largely for purposes of convenience in analysis. They are artificial at best, and they may lead to unwarranted generalizations and serious misunderstandings. The East speaks with many voices, as does the West; in fact, all efforts to distinguish between East and West, and to generalize about the nature of Eastern and Western political thought, are bound to be unsatisfactory. Some leading thinkers of both East and West—Radhakrishnan and Northrop, to name two out of many—have attempted to draw such distinctions; but perhaps the viewpoint of P. Kodanda Rao is more tenable:

The concept of a Western civilization and an Eastern civilization is . . . invalid. There are no two great civilizations to start with. The question of their relations and the need to reconcile them does not, therefore, arise. The proposal to do so makes as much sense as, say, a proposal to reconcile the difference between London and Saturday!⁴

In another connection the same student of culture has declared: "The whole world, and not any part thereof, is the unit for ideas, and history is continuous. Humanity as a whole can be proud vicariously of the achievements of any individual human being."⁵

Such concepts should be borne in mind in any consideration of Indian and Western political thought, and in any attempt to discover the distinctive features of Indian polity. After all, can such adjectives as "Western" and "Indian" be applied to political thought? If so, what are the real bases of similarity and of difference? Clearly the Western impact on Indian political thought has been great, and in all probability India has contributed more to Western political thinking than is generally realized. The study of Western political ideas, which have been the subjects of endless inquiry, still presents problems of emphasis and of interpretation. These problems are even more acute for Indian political thought, the study of which is in its infancy.

A penetrating work on Eastern Europe, published in 1953, ended on this note: "For the West can interpret the West; it can only describe the East."⁶ In this period of tensions between Asia and the West, and of the growing importance of Asia in the world, description is not enough. The West must try to understand and interpret as well as to describe. It may be that the road-blocks in the path of interpretation and understanding lie in the recesses of the Western political mind rather than in the inscrutable maze of Oriental mysticism.

⁴ P. Kodanda Rao, "The Laws of Culture," *The Aryan Path*, Vol. 23, pp. 504-8 (Nov., 1952).

⁵ P. Kodanda Rao, commentary on this paper at the APSA meeting in Chicago, Sept. 9, 1954.

⁶ John A. Lukacs, *The Great Powers in Eastern Europe* (New York, 1953), p. 700.

I

Less than a century ago, Professor Max Müller declared: "The Hindus were a nation of philosophers. Their struggles were the struggles of thought; their past, the problem of creation; their future, the problem of existence. . . . It might therefore be justly said that India has no place in the political history of the world."⁷ Fifty-three years ago Professor William A. Dunning wrote: "The Oriental Aryans never freed their politics from the theological and metaphysical environment in which it is embedded today."⁸ These views are understandable in the light of the orientation of the authors, the primitive state of Indic studies, the difficulty of isolating political ideas from the mainstream of Hindu philosophy, and the lack of qualified scholars in the political field who were interested in the thought of ancient India. Today, however, such views can hardly be entertained by serious and objective scholars. With the discovery and translation of Kautilya's *Arthasāstra* by Dr. R. Shamasastri, approximately half a century ago, the translation and publication of additional Sanskrit texts and other source materials, and the appearance of several important treatises on ancient Indian political thought, there is no longer much excuse for the neglect of this significant portion of the political thinking of mankind. Far from having no place in the political history of the world, as Max Müller concluded, India should have a major place, perhaps on the Elysian heights alongside ancient Greece and England. In ancient India, as Professor Gettell noted thirty years ago, "Political philosophy was recognized as a distinct field of knowledge, created an extensive literature, and was considered by some of its founders the most important of sciences."⁹ Although Professor Gettell showed an awareness of the nature and importance of the subject, he devoted only two pages out of five hundred to Hindu political thought, about the same amount of space as he gave to anarchism and to two Italian jurists of the late eighteenth century.

At the present time the tendency of Indian political scientists, and of a large number of foreign commentators, is to be unduly critical of Western civilization, thought, and traditions and to make extravagant claims regarding Indian culture and thought. This attitude is reflected in what is probably the most important contribution by an Indian political scientist in recent years in the field of political theory—K. P. Mukerji's *The State*. In this book the head of the political science department of Bombay University, who studied in Germany under Walter Jellinek, extols "the *varnashramic* philosophy of ancient India" and belabors Western political thought for its lack of a background of

⁷ Max Müller, *History of Ancient Sanskrit Literature* (London, 1859), p. 31. It need hardly be emphasized that the great German philologist and Orientalist who edited the *Rig-Veda* and many other ancient Hindu classics was profoundly impressed with the Indian contribution to civilization. In one of his lectures at Cambridge University he declared " . . . in that study of the history of the human mind, . . . India occupies a place second to no other country." Max Müller, *India: What Can It Teach Us?* (London, 1883), p. 13.

⁸ William A. Dunning, *A History of Political Theories, Ancient and Medieval* (New York, 1902), p. xix.

⁹ Raymond G. Gettell, *History of Political Thought* (New York, 1924), p. 28.

"synthetic political philosophy" and for its alleged indifference "to the problems of philosophy and morals." He sees hope, however, in "the unconscious longing of western intellectuals for the Hindu view of life and law," and he believes that "the assumed postulates of western thinkers . . . are the same as those of the ancient Hindus which ultimately represent a faith in natural law or eternal *dharma*."¹⁰ In less scholarly publications the claims are even more extravagant. Writing in *The Times of India* a few years ago, Dr. C. N. Zutshi asserted: "There is not a single political theory or institution adopted by European countries which had not been anticipated in ancient India. Rather, European nations have modelled politics on the basic theories furnished by India." Some foreign Orientalists have also suggested that the West should turn to ancient India for guidance and enlightenment. The first sentence of Dr. Heinrich Zimmer's great work on *Philosophies of India*, for example, reads: "We of the Occident are about to arrive at a crossroads that was reached by the thinkers of the India some seven hundred years before Christ."

If the approach of Indian scholars to their political heritage is characterized by exaggeration and sensitivity and reaction against Western ideas, that of American students of political thought and governance, with a few happy exceptions, is still limited by ignorance and indifference. The former must, therefore, give more attention to objective scholarship and less to nationalistic assertiveness, and the latter must go to school, in order that they may apply to Indian studies the techniques of research and analysis which they have developed to a high degree in other fields of inquiry. As long as they regard the thought of the Orient as mysterious and incomprehensible, as hopelessly enmeshed in a vast body of philosophy and mysticism, they will not be able to understand the mainsprings of Oriental conduct. Neither as members of the privileged minority of mankind nor as students of political thought and action can they any longer afford to neglect the political heritage of Asia, and particularly of India.

Obviously there are special difficulties in the way of a systematic study of Indian political thought, especially that of the ancient period. It has been only within the past century that Sanskritists and other specialists have made available satisfactory translations of the classics of ancient India. Written records appeared relatively late in India, and very little of the vast body of ancient literature has been preserved in any form. The translations of the classics are frequently based on manuscripts which date from the medieval period; to believe that these manuscripts are faithful transcripts of the original classics of centuries before would be too much of a strain on one's credulity. Some of the distortions must have been an unavoidable consequence of many transcriptions and interpretations; others may have been the result of malice aforethought. "The great difficulty in writing a history of political or philosophical thought in ancient India," states Samaren Ray, "lies in getting a correct picture of the facts divorced from myths, legends, and Brahmanic interpolations." Ray is one of those who hold that only the Brahmanical side of the philosophical and political

¹⁰ K. P. Mukerji, *The State* (Madras, 1952), pp. ix, xi, xvii, 239, 267.

bases of ancient India has been adequately presented. "Since the triumph of the Brahmanic reaction from the time of Samudragupta's reign" (4th century A.D.), he asserts, "a wilful and persistent effort to wipe out or distort anti-Brahmanic and critical ideas has been taking place in India. The rational and critical outlook of the earlier thinkers were [sic] completely submerged in this Brahmanic reaction which ushered in the Pauranic age—the dark age of medieval India."¹¹

Most of the significant studies of Indian political thought—which are still few and inadequate—were written during the last thirty or forty years. K. P. Jayaswal published two essays on Hindu polity in the *Modern Review* (Calcutta) as early as 1914, but his book on this subject did not appear until 1924. The significant writings of Narendra Nath Law were published between 1914 and 1920. The pioneer works of U. N. Ghoshal, Beni Prasad, and Benoy Kumar Sarkar appeared in the 1920's.¹²

II

Indian political thought, like Hindu civilization, has many distinctive features, but it has been strongly infiltrated with foreign influences, beginning with that of the early invaders, including the Aryans. Since the eleventh century, at least, Mohammedan influences have been felt, especially when Mogul rule extended over a large part of the subcontinent. The British impact upon thought and education was clearly great. This impact, while intimate, was a forced one, and inevitably aroused hostility and defiance; but it also created a kind of "Hindu-British (or European) synthesis," which Percival Spear calls "the working creed of modern India."¹³ British influence is still strong in independent India, as even the most casual visitor can attest. For every Indian political thinker today who derives his inspiration from the thought of ancient India, there are probably a dozen who know more about Western than Indian

¹¹ Samaren Ray, "Indian Political Thought from Manu to Gandhi," *The Radical Humanist*, Vol. 18, pp. 332, 336 (July 11, 1954). Ray points out that even the greatest of Hindu classics, the *Mahābhārata*, "represents the Brahmanic side of the great controversy in ancient India between the Brahmins who wanted to maintain their supremacy on the authority of the Vedas and those who challenged the absolute authority of the Vedas and tried to build up a rational outlook and society on human values and realism." Professor D. Mackenzie Brown has reminded me that Ray's interpretation reflects a Positivist point of view, and that many students of Indian philosophy would disagree with this interpretation.

¹² K. P. Jayaswal, *Hindu Polity* (Calcutta, 1924); Narendra Nath Law, *Studies in Ancient Hindu Polity* (London, 1914), *Inter-State Relations in Ancient India* (Calcutta, 1920), *Aspects of Ancient Indian Polity* (Oxford, 1921); U. N. Ghoshal, *A History of Hindu Political Theories* (Calcutta, 1923); Beni Prasad, *The State in Ancient India* (Allahabad, 1928); Benoy Kumar Sarkar, *The Political Institutions and Theories of the Hindus* (Leipzig, 1922). Sarkar published two significant articles on Indian political thought in American journals in 1918: "Democratic Ideals and Republican Institutions in India," this *Review*, Vol. 12, pp. 581-606 (Nov., 1918), and "Hindu Political Philosophy," *Political Science Quarterly*, Vol. 33, pp. 482-500 (Dec., 1918). To the best of my knowledge the former article is the only one dealing with the subject of Indian political thought which has been published in this *Review*.

¹³ Percival Spear, *India, Pakistan, and the West* (London, 1952), p. 204.

thought and who are more at home when discussing the ideas of Harold J. Laski than when interpreting the *Sāntiparvan* or the *Manusamhitā*. Since Lord Macaulay's famous Minute of 1835, the English pattern of education has been the prevalent system in India. "It is possible," argued Macaulay, "to make natives of this country thoroughly good English scholars and to this end our efforts might be directed." Seldom have efforts been more successful. Most of the leaders of Indian thought and politics in the past century or more, including those who have been most anti-British and those who have preached the necessity of going back to the Vedas and of following Vedānta, have been under strong Western influence, and many have studied abroad.

Ram Mohan Roy, the "father of the Hindu Reformation," did not hesitate to "borrow from the West with a boldness and an assurance which went far beyond his own puzzled generation."¹⁴ The Brāhmo Samāj, which he founded for the reinterpretation of Hinduism, was, as K. M. Panikkar has pointed out, "a synthesis of the doctrines of the European Enlightenment, with the philosophical views of the Upanishads. As a religion Brahmo Samāj was based firmly on the Vedānta, but its outlook on life was European, and derived its inspiration from the intellectual movements of the eighteenth century." Some of the most powerful exponents of a return to the traditions and teachings of ancient India, such as Vivekananda and Aurobindo, were strongly influenced by Western ideas and contacts. (The Hindu revival in the late nineteenth and twentieth centuries, as Panikkar has noted, coincided with "the first large scale meeting of Asian and Western minds.")¹⁵ The many new interpretations of Hinduism and Buddhism reflect the influence of Western ideas. The Indian Constitution of 1950 clearly owes far more to Western constitutionalism than to Hindu concepts of government. ✓

Gandhi himself, according to F. S. C. Northrop, represented the non-Aryan aspects of Hindu thought; he reacted against Western ideas and techniques and warned his fellow-countrymen of the insidious effect upon the mind and soul of India of a slavish imitation of Western ways. Yet he was not only Western-educated, but also Western-oriented in many ways.¹⁶ He often acknowledged that a wide reading in Western literature had influenced his thinking, and he even once stated that his basic doctrines owed as much to the teachings of Christ as to the classics of ancient India. The Western stamp on the mind of Jawaharlal Nehru is manifest. He himself once confessed: "I have become a queer mixture of East and West, out of place everywhere, at home nowhere."¹⁷ The conflict in the mind and heart of Nehru typifies the inner struggle which is going on in India today.

Nor should the Muslim influence be overlooked. Mohammedanism, as Toynbee has emphasized, was a product of the Semitic culture which also gave

¹⁴ *Ibid.*, p. 188.

¹⁵ K. M. Panikkar, *Asia and Western Dominance. A Survey of the Vasco Da Gama Epoch of Asian History, 1498-1945* (London, 1953), pp. 317, 489.

¹⁶ F. S. C. Northrop, *The Meeting of East and West* (New York, 1949), p. 415; see also Toynbee, *The World and the West*, p. 80.

¹⁷ *Toward Freedom: the Autobiography of Jawaharlal Nehru* (New York, 1941), p. 353.

rise to Judaism and Christianity and which formed a major background for what we call Western civilization. It was a proselytizing religion, like Christianity but unlike Hinduism, and Muslim culture was vastly different from Hindu civilization. Over the centuries a large measure of intermingling and fusion occurred between Muslims and Hindus, but the basic chasm remained and brought forth evil fruit in the twentieth century. The writings of Syed Ahmad Khan¹⁸ in the nineteenth century and Mohammad Iqbal in the twentieth represented the best of modern Muslim literature and thought; but they also contained the germs of the two-nation theory and the philosophical basis of partition. The importance of Iqbal, one of the leading poets and philosophers of modern India, is just beginning to be appreciated by Western scholars.¹⁹

Contemporary Indian political thought, therefore, stems from many sources, Eastern and Western, ancient and modern. A question posed by F. S. C. Northrop is timely and pertinent: "Need one wonder, with all these Hindu, Mohammedan, Jainist, Marxist, Lockean, Elizabethan, and Mercantile ideas of the good for man and the state, contradicting each other at many points, and pushing and pulling her in opposite directions, both from within and from without, that staid, intuitive, receptive, indeterminate Mother India finds it difficult to make up her contemporary mind?"²⁰ Indeed, Indian political thought is probably as diverse as that of the West. In view of the antiquity and the richness of Indian civilization, this should occasion no surprise; as Toynbee reminds us, "India is a whole world in herself; she is a society of the same magnitude as our Western society."²¹

III

Undoubtedly the most distinctive and in all probability the most significant part of Indian political thought is the political thought of ancient India, chiefly Hindu polity. In studying this vast treasure of ancient thought we are handicapped both by lack of knowledge and to some extent by lack of sources. Furthermore, it is often hard to tell what is Hindu in modern Indian thought and what is Muslim or Western. Even more difficult is the problem of isolating political concepts from the main body of Hindu philosophy and from the all-pervasive influence of spiritual and religious teachings and beliefs. Today India is a

¹⁸ "Syed was cautious and never looked beyond self-government under British protection. He never ceased to cooperate with the British. . . . But he was clear that there was a Muslim national consciousness quite different from the Hindu. . . . In his whole attitude was implicit the concept of Pakistan." Spear, *India, Pakistan, and the West*, pp. 190-91. See also G. F. I. Graham, *Life and Work of Syed Ahmad Khan* (London, 1888).

¹⁹ See Iqbal Singh, *The Ardent Pilgrim: An Introduction to the Life and Work of Mohammad Iqbal* (London, 1951). The author questions the validity of the close identification of Iqbal with the idea of Pakistan: "Though it is now customary and conventional to refer to Iqbal as the Philosopher and Poet of Pakistan, the Pakistan idea in its materialisation represents the absolute refutation of the very basis of Iqbal's political philosophy" (p. 162). Yet he admits: "Cumulatively, Iqbal by his poetry, by his political and philosophical writings, succeeded in creating an ambient and infectious mood of irrational, revivalistic fervor in which the Pakistan idea could grow and come to its fruition" (p. 156).

²⁰ Northrop, *The Meeting of East and West*, pp. 416-17.

²¹ Toynbee, *The World and the West*, p. 34.

secular state, but the Hindu view of life dominates thought and action, and that view is fundamentally a religious one. "Religion," declared Radhakrishnan, "has been the master passion of the Hindu mind, a lamp unto its feet and a light unto its path, the presupposition and basis of its civilization, the driving force of its culture, and the expression . . . of its life in God."²²

With few exceptions, political ideas in the classics of ancient India are buried in a sea of philosophy and fable, and can hardly be analyzed or understood apart from their larger framework. That framework is the Hindu view of life, which has been described as a synthesis of the fourfold objects of life—*dharma*, *artha*, *kāma*, and *mokṣa*—the fourfold order of society (*varṇa*) or the caste system, and the fourfold succession of the stages of life, culminating in "the free supersocial man." "By means of this threefold discipline," explains Radhakrishnan, "the Hindu strives to reach his destiny, which is to change body into soul, to discover the world's potentiality for virtue, and derive happiness from it."²³

These basic concepts of Hindu philosophy have a marked relevance to Hindu political thought and give it a character which is seldom found in Western political thinking. *Dharma*—a word for which there is no exact English counterpart—is probably the central concept of Hindu political thought, but it clearly has a significance far beyond the realm of polity.²⁴ "Dharma," states Radhakrishnan, "gives coherence and direction to the different activities of life. It is not a religious creed or cult imposing an ethical or social rule. It is the complete rule of life, the harmony of the whole man who finds a right and just law of his living."²⁵ The scholar-philosopher who is now Vice-President of the Republic of India has called the Aśoka wheel in the center of the national flag the wheel of the Law of Dharma, thus symbolizing the continuity between the old and the new. Another basic concept is that of the *saptāṅga*, or the "seven limbs" of the state: *svāmin* or sovereign, *amātya* or minister, *janapada* or *rāṣṭra* referring to territory with people, *durga* or fortress, *kośa* or treasury, *daṇḍa* or *bala* meaning sceptre or army, and *mītra* or friends or allies. This doctrine of *saptāṅga*, in the opinion of Benoy Kumar Sarkar, "constitutes the basis of all political speculation among the Hindu philosophers."²⁶

²² Sarvepalli Radhakrishnan, *Eastern Religions and Western Thought*, 2nd ed. (London, 1940), p. 20.

²³ *Ibid.*, p. 351.

²⁴ See especially Mukerji, *The State*, Appendix I, "The Hindu Conception of Dharma." *Dharma* is clearly a concept which is hard to define. It bulks large in the philosophies of India, and it has been described in many different ways. A passage in a Brāhmaṇa refers to *dharma* as those "principles of justice whereby the weak maintain themselves against the strong with the help of the king." Quoted in N. C. Bandyopadhyaya, *Development of Hindu Polity and Political Theories* (Calcutta, 1927), p. 273. Most Indian commentators insist that *dharma* has a practical as well as a philosophical significance. Thus Sri Aurobindo wrote: "This subjection of the sovereign power to the Dharma was not an ideal theory inoperative in practice: for the rule of the socio-religious law actively conditioned the whole life of the people and was therefore a living reality and it had in the political field very large practical consequences." *The Spirit and Form of Indian Polity* (Calcutta, 1947), p. 13.

²⁵ Radhakrishnan, *Eastern Religions and Western Thought*, p. 353.

²⁶ Sarkar, *The Political Institutions and Theories of the Hindus*, p. 167.

Much of ancient Indian political thought is found in the Vedas, the Brāhmaṇas, the Dharmaśāstras, and the Dharmasūtras, in the Arthaśāstra and Nītiśāstra literature, notably Kautilya's *Arthaśāstra* and the *Manusamhitā*, in some of the early Buddhist and Jainist writings, and in the *Rāmāyana* and the *Mahābhārata*. The Arthaśāstra and Nītiśāstra literature, and the *Sāntiparvan* of the *Mahābhārata*, provide material which can clearly be labeled political thought as distinct from philosophy in general.²⁷ They also contain, as has often been noted, some of the most coldblooded realism in political literature.

Ancient Hindu thought deals with many subjects which have bulked large in the political theory of the Western world. Among these are the nature and origin of the state, types of states, the relation of state and society, the forms of government, the origin of kingship, the duties of kings, royal authority and its limitations, power politics, diplomacy, and administration. Perhaps we should also include theories of the state of nature, the social contract, and sovereignty, possibly even international law. Conflicting theories of international relations can be found in ancient India as well as in the modern world. The doctrine of *maṇḍala* or circle of states was a kind of Hindu theory of the balance of power, and the doctrine of *sārvabhauma* suggests modern theories of world federation or a world state.²⁸

All this has a very familiar ring. It is indeed tempting to draw comparisons between ancient Indian and Western political thought, as many Indian and foreign political scientists have done. "The essential nature of the Hindu State," asserts Professor K. P. Mukerji, "was almost the same as that of the modern State."²⁹ The concept of *rājadharma* has been viewed as similar to the Greek ideas of the functions of the state. Kautilya has been called the Indian Machiavelli. Hindu political thinkers had a conception of the universal wickedness of mankind, as did the Fathers of the Christian Church. They described the state as a social agency which was brought into existence because the life of man in the state of nature was becoming increasingly intolerable, and the same idea appears in Hobbes. "Hobbes' theory of a state of nature," declared N. C. Bandyopadhyaya, "is almost the same as we find in the 67th chapter of the *Sāntiparva*."³⁰ Locke's "dictates of right reason" have been described as "practically the same as the Dharma of the Indian theory."³¹ *Dharma* has also been compared with the "external law" of Thomas Aquinas. The idea of the struggle for existence was repeatedly expressed in the doctrine of *matsya-nyāya*, or "the logic of the fish." The authors of ancient Hindu classics wrote voluminously on the divine origin of kings; they would have understood and appreciated the claims of James I. Benoy Kumar Sarkar believed that the principle of *danḍa* as described by Manu was equivalent to the *majestas* of Bodin and the *summa*

²⁷ See especially A. S. Altekar, *State and Government in Ancient India* (Benares, 1949), pp. 1-3.

²⁸ Sarkar, *The Political Institutions and Theories of the Hindus*, pp. 214-26.

²⁹ Mukerji, *The State*, p. 350.

³⁰ Bandyopadhyaya, *Development of Hindu Polity and Political Theories*, p. 323.

³¹ D. R. Bhandarkar, *Some Aspects of Ancient Hindu Polity* (Benares, 1929), p. 150.

potestas of Grotius, an interpretation which was accepted without question by Professor Gettell.³²

Examples of this sort could be multiplied indefinitely. They are suggestive and challenging, and they give an aura of timelessness to ancient doctrines. But comparisons between different civilizations and different historical periods are dangerous at best, and in the case of ancient Hindu and Western political thought the temptation to make facile but misleading comparisons is particularly irresistible. "Nowhere in the *Mahābhārata*, *Purāna* or *Arthaśāstra*," states Bhandarkar, "has been found any Hindu theory which is exactly co-extensive with that of the West in all respects . . . the Hindu mind worked in different environments and in a different direction."³³ There is, I suggest, a vast difference between the Hindu theories of the origin of kingship and of *rājadharmā*, as found in the *Sāntiparvan*, the *Manusamhitā*, and in Kautilya, and divine-right-of-kings theories of seventeenth-century Europe. In ancient India royal authority was not of an absolute nature; there were definite checks on kingship, which was regarded as a trust rather than as a limitless prerogative. Many rulers undoubtedly abused their trust and violated the eternal *dharma*, but they did not thereby establish the principle of divine right. The epics cite several instances of tyrants who were killed by their indignant subjects.³⁴

The Hindu state was very different in nature and in purpose from both the Greek and the modern state. Indeed, there is some doubt whether the word *rājya* should be translated as "state."³⁵ This illustrates the semantic problem of finding precise and meaningful English equivalents for the terminology of ancient Indian political literature. One basic difference between the Hindu state and the Greek state was that whereas to the Greeks the state was "the *terminus ad quem* of man's whole development," as Ernest Barker has stated, to the Hindus it was only a preparatory stage for the attainment of the great goals of life—namely *mokṣa* or *nirvāna*.³⁶ There is little in common between the shadowy concepts of sovereignty of the ancient Hindus and the positive formulations of Bodin and Grotius; to expect to find in the former a parallel to the precise and coherent political thought of the latter is clearly to expect the impossible.³⁷ Yet Mukerji boasts of "the superb modernism of Hindu political

³² Sarkar, *The Political Institutions and Theories of the Hindus*, p. 201; Gettell, *History of Political Thought*, p. 26.

³³ Bhandarkar, *Some Aspects of Ancient Hindu Polity*, p. 134.

³⁴ See Kautilya's *Arthaśāstra*, trans. by Dr. R. Shamasastri, 4th ed. (Mysore, 1951), Book 1, ch. 19, "The Duties of a King"; also Altekar, *State and Government in Ancient India*, p. 17, and Indira Nalin, "The Head of the State in Ancient India," unpublished paper prepared for the South Asia Seminar at the University of Pennsylvania, 1953. For the Western divine right theory of kingship, see J. N. Figgis, *The Theory of the Divine Right of Kings*, 2nd ed. (Cambridge, Eng., 1914).

³⁵ Bandyopadhyaya, *Development of Hindu Polity and Political Theories*, p. vii.

³⁶ S. P. Singh has suggested the insertion of the following statement after this sentence: "But *nirvāna* or *mokṣa* cannot be attained without duty. Duty becomes a part of the political and social life of the modern age." Letter to the author, dated Sept. 23, 1954.

³⁷ See Ghoshal, *A History of Hindu Political Theories*.

theory," in contrast to "the jumbled primitiveness of Filmer, Bodin or Hobbes."³⁸

We should be wary of claiming too much for the political thought of ancient India. Many contemporary students of the subject still question its significance, or even its identifiability as theory. "Nowhere . . . in the vast mass of Sanskrit literature," states N. G. D. Joardar, "have I come across a formal treatise on politics satisfying the enquiries of a modern mind. Very little exists in the way of political theory or philosophy. India took certain forms of government for granted and discussed only the duties and responsibilities of different castes." In his opinion, very little that could be called political thought can be found in the Vedas and the Brāhmaṇas. A study of the Dharmaśāstras, too, "is arid from the standpoint of political theory." The Arthaśāstras "were mostly administrative manuals, not primarily discussions of political theories." Only five of the fifteen books of Kautilya's *Arthaśāstra* contain "some sort of political thinking." In the *Sāntiparvan* of the *Mahābhārata* "there is a long and profitable discussion of the subject." But "even here the duties of people are described; their rights and political claims are left out."³⁹ Joardar's observations are very pertinent. The search for political ideas in the vast literature of ancient India—including Sanskrit and non-Sanskrit writings—is one of the needle-in-the-haystack variety; but the patient and trained investigator can find much more than Joardar suggests. The absence of a systematic approach to political philosophy and the limited framework within which political ideas were expressed are not in themselves evidences of a lack of substance or of perception. Many of the greatest contributions to political theory are unsystematic and biased. Joardar's caveats, however, are a useful antidote to excessive claims by other Indian scholars. When better known and understood, ancient Indian polity will have a significant place in the history of political ideas; but we do not have to turn to it as the fount of all political wisdom.

Undoubtedly ancient Hindu polity has many distinctive aspects. Aside from its intimate and subordinate relation to the whole body of political philosophy, the broad significance of its basic concepts, such as *dharma* and *danḍa* and *artha* and *nīti*, and its emphasis on *rājadharma*, it had much to say about special problems such as the relation between taxation and protection and the mutual relations of Brahmins and Kṣatriyas within the general *varṇāśramic* order of society. Professor Mukerji holds that ancient Hindu political thought avoided the legalistic and nationalistic approach to the problems of the state by "(1) relating legal and State-al theory to a social and political theory and then (2) by integrating the socio-political theory with a morally valid philosophy or view of life." He believes that modern Western political theorists are beginning to adopt the first approach but with a few exceptions have not yet appreciated the necessity of the second.⁴⁰

Ancient Hindu writers on the science of polity had an exalted opinion of the

³⁸ Mukerji, *The State*, p. 352.

³⁹ N. G. D. Joardar, "The Study of Indian Polity," unpublished paper prepared in connection with the program at which this paper was first presented.

⁴⁰ Mukerji, *The State*, p. 363.

origin and importance of their subject, and while many of their discussions centered around one great theme—*rājadharma* or the duties of kings—they believed, to use the words of the *Sāntiparvan*, that “in Politics are centered all the Worlds.” “The science of kingly duties,” averred Yudhishtira in Chapter 56 of the *Sāntiparvan*, “is the refuge of the whole world of life.” Kautilya defined *arthaśāstra*, or the science of polity, as “that science which treats of the means of acquiring and maintaining the earth.” Modern political scientists may derive inspiration and breadth of viewpoint from these ancient Hindu commentaries. They may also be inspired by the wonderful account in Chapter 59 of the *Sāntiparvan* of the divine origin of their discipline, although they may prefer a more mundane explanation.

The great classics of Hindu political thought were written many centuries ago. Kautilya's *Arthaśāstra* is usually ascribed to the 4th century B.C., although some scholars insist that it was written seven or eight centuries later. This is a still unsettled controversy into which we do not need to enter. The *Sāntiparvan* and the Laws of Manu were probably written between 200 B.C. and 200 A.D. Only a few works of a later period, such as Kamandaka's *Nītisāra* and the *Sukranūti*, are at all comparable in importance.

IV

Hindu political thought never again approached the mountain peaks of the classical period. It was largely submerged during the long centuries of foreign invasions and rule. During the Hindu revival of the nineteenth and twentieth centuries political ideas again became important, but the source of these ideas was often difficult to trace. Even in the classical period Hindu political thought was obviously not a coherent whole. It is difficult to distinguish the Aryan from the non-Aryan elements. The ancient works which may be most properly described as political in nature, notably Kautilya's *Arthaśāstra*, the *Manusamhitā*, and the *Sāntiparvan*, seemed to pay little attention to morals or to socio-political theory, which are regarded by Professor Mukerji as basic to Hindu political thought.

The relation of this body of political thought to that of modern India also raises many questions. After centuries of decline, foreign invasions, Mogul and then British rule, was the continuity of Hindu political thought and the Hindu tradition as marked as both Indian and Western scholars seem to believe? Another fundamental question concerns the nature of the Hindu state and the Hindu political tradition or traditions down through the centuries. Is that tradition essentially authoritarian, with some local and temporary democratic aspects; or is it essentially democratic, with much local and personal freedom and definite and effective checks upon rulers who tried to abuse their high office? Professor Mukerji insists that “the Indian political theory has always been democratic or morally oriented or *dharmic*.”⁴¹ Is this really true? What is the *dharmic* concept of democracy? One might also ask what Professor Mukerji's concept of democracy is, since elsewhere in his important

⁴¹ *Ibid.*, pp. 340-41.

book he states that "communism is the most genuine . . . form of democracy."⁴²

In contemporary India, political science is still an underdeveloped subject. The oldest department of political science, at Lucknow University, is only about thirty years old. Indian political scientists are still largely influenced by Western training and thinking, and as yet they have produced few significant studies of the unique features of their own political heritage. Professor S. V. Kogekar speaks of "the almost unconscious imposition of the British Parliamentary pattern of government on the minds of Indian thinkers." He believes that "the general tendency is to adopt all too uncritically the values and criteria derived from Western, and particularly British, experience and to seek to apply them to Indian conditions."⁴³ "Indian scholars have themselves been the first to admit," states Dr. A. Appadorai, "that contributions of Indian scholarship to fundamental thinking in Political Science have been somewhat disappointing; they have hardly enriched the analysis of political ideas or institutions with conclusions drawn from Indian experience."⁴⁴ Only a few Indian political scientists are acknowledged authorities on ancient Indian political thought.

The great political thinkers of modern India have been men of thought and action like Ram Mohan Roy, Syed Ahmad Khan, Vivekananda, Aurobindo, Tagore, Iqbal, Gandhi, Mohammed Ali Jinnah, and Nehru. The philosophy of Mahatma Gandhi, as Albert Schweitzer has observed, "is a world in itself."⁴⁵ Gandhi never tried to evolve a consistent political philosophy; his writings, statements, and actions are full of contradictions and inconsistencies. It is difficult to trace the origins of his teachings; he took his ideas from many sources, and adapted them in the light of his own experiences and observations to the needs of his country as he envisioned these needs. His political ideas were "an organic part of his philosophy of life," which was essentially religious in character. To him "there are no politics devoid of religion." "Better than anybody else" he "appreciated the supreme role of moral persuasion in social and political changes." He preached the "superiority of one's conscience over any mighty power in the world."⁴⁶ His analysis of the relations between ends and means⁴⁷

⁴² *Ibid.*, p. 192.

⁴³ S. V. Kogekar, "Present Status of Political Science Studies in India," in S. V. Kogekar and A. Appadorai, *Political Science in India* (Delhi, 1953), p. 6. This is a reprint of an article which originally appeared in the *International Social Science Bulletin*, Vol. 4, pp. 124-29 (Spring, 1952).

⁴⁴ A. Appadorai, "Progress of Political Science in India," in Kogekar and Appadorai, *Political Science in India*, p. 15. This is a reprint of a paper which was originally published in *Contemporary Political Science* (UNESCO, 1950).

⁴⁵ Albert Schweitzer, *Indian Thought and Its Development* (New York, 1936), p. 228.

⁴⁶ M. P. Mangudkar, "Gandhi's Contribution to Modern Political Thought," *The Radical Humanist*, Vol. 17, pp. 545, 548, 575-76 (Nov. 15 and 29, 1953).

⁴⁷ The concept of the relation between ends and means is deep-rooted in the Hindu political and religious tradition. Gandhi did his best to elevate it to a practical principle of statecraft, while at the same time he emphasized its deeper meaning. Madame Pandit has given a striking illustration of the Mahatma's faith in this concept. Her last interview with Gandhi occurred about a month before his assassination, while she was preparing to return to Moscow for the last two months of her service as Indian Ambassador to the

and his philosophical justification and explanation of *ahimsā* and *satyāgraha*⁴⁸ deserve the careful attention of students of political thought. His followers are still divided in their interpretation of the exact nature of the *rāmrajya* of which he constantly spoke. Certainly free India today is a pale reflection of this ideal.⁴⁹

V

"The contemporary Orient," states Northrop, "is the product of its traditional self and the influence of the West."⁵⁰ India is an outstanding illustration of this fusion of influences and ideas. Perhaps this should be expected of a land where the Western impact was the most intimate and where a continuous civili-

Soviet Union and shortly before she was scheduled to go to the United States as Indian Ambassador. Since she visited Gandhi on a Monday, which was his day of silence, the Mahatma communicated his thoughts to her in writing. The message which he asked her to convey to the governments and peoples of Russia and America was as follows: "What India is trying to say to the world is a constant challenge to our power of interpretation and can be repeated to both Moscow and Washington. It is the essence of our creed and fundamental to an understanding of our way of life as well as our political stand. You know what I think—the end in itself is not important—unless the means we follow to achieve it are right. The countries of the Western world would do well to try to understand this. It is what you must explain to the people of America. Until the implications of this are clear to them, there will be no appreciation either now or in the days ahead of the stand our country will take on important issues." Madame Vijaya Lakshmi Pandit, "India to America: The Position of India in World Politics," in "Perspective of India," Supplement to the *Atlantic Monthly*, Vol. 192, pp. 107-09 (Oct., 1953).

⁴⁸ N. G. D. Joardar has offered the following trenchant observations regarding the doctrines of *ahimsā* and *satyāgraha*: "The eagerness to stand for truth in all aspects of life, which is the essence of satya-graha, and to carry out the program without any kind of violence in thought and speech, far less in action, which forms the kernel of ahimsa are excellent principles, worthy of admiration. But they are essentially the privilege of the spiritual elite. The man in the street has neither the insight nor the courage to follow the doctrines. They charm him, however, and he blindly follows the lead of somebody who sets himself up as the apostle of the twin principles. I believe that satya-graha and ahimsa are as aristocratic as the position of the Brahmins in the caste system. In bringing the mountain-tops of the spiritual world to the sordid affairs of politics, Mahatma purified it to some extent but I do believe that its practice does not coincide with the voting role of the majority rule which is the basis of democracy." These views would undoubtedly be challenged by many interpreters of Indian ways of thought and action; but certainly Gandhi's views on *ahimsā* and *satyāgraha* were of an exalted nature which few lesser persons could even comprehend in their full dimensions, much less accept and implement. One may also suggest that in Gandhi's mind the two concepts were refined and clarified, and given a scope and an application which were without parallel in Indian history. Possibly, also, Gandhi's interpretations differed rather fundamentally from the traditional approach. Albert Schweitzer has expressed this opinion: "In Gandhi's ethical life Ahimsā becomes a different thing from what it was in the thought of ancient India. . . . The ancient Indian Ahimsā is an expression of world and life negation. . . . But Gandhi places Ahimsā at the service of world and life affirmation directed to activity in the world." *Indian Thought and Its Development*, pp. 227, 231.

⁴⁹ In January, 1953 about a dozen of the world's leading thinkers came to New Delhi, at the invitation of the Government of India, to participate in a "Seminar on the Contributions of the Gandhian Outlook and Techniques to the Solution of Tensions between and within Nations." It was a well-deserved tribute to the greatest of modern Indians, whose thoughts and message extended far beyond the borders of his own country.

⁵⁰ Northrop, *The Meeting of East and West*, p. 405.

zation of high level has flourished longer than any other in the world, with the possible exception of China. Western political thought is an important ingredient of contemporary Indian political thought, and therefore the problem of coalescence or clash, it might seem, is already being worked out in the Indian arena. But it may be that the Western component has contributed to the inner struggle that is going on in India today, to what Nehru has called the "torment in our minds." Neither Western nor Indian political thought presents a coherent pattern; there are conflicting elements in each; and at the present time each is clearly in a state of transition and of consequent tension. There is no reason, however, why the political thought of the Western world should not continue to influence that of the Asian civilizations, including India, without major philosophical or ideological clashes. Moreover, from India may come influences which will widen the horizons of Western political thinkers and which will give political ideas a sounder foundation in philosophical and metaphysical speculation.

The concepts of the essential unity of mankind and of the philosophical ties which bind East and West have never been more profoundly held or more eloquently voiced than by the seminal thinkers of modern India. These concepts bulked large in the teachings of Mahatma Gandhi and Rabindranath Tagore. Sarvepalli Radhakrishnan has frequently voiced the same beliefs. In his great work, *Eastern Religions and Western Thought*, he wrote:

Whether we like it or not, East and West have come together and can no more part. The spatial nearness is preparing the way for a spiritual approximation and interchange of treasures of mind and imagination. If we are nurtured exclusively on the past of Europe or of Asia we cannot consider ourselves to be cultivated. The thought and experience of one-half of humanity cannot be neglected without peril. If we are to correct the narrowness resulting from a one-sided and exclusive preoccupation with either Eastern or Western thought, if we are to fortify our inner life with the dignity of a more perfect and universal experience, an understanding of each other's cultures is essential.⁵¹

To the extent that the conflict between the so-called East and West is an ideological one, it is a conflict which stems from ideological fissures in the Western world, for liberal democracy and communism are both products of Western civilization. Moreover, the borders between the Communist and the non-Communist world are not the Suez Canal, the Turkish Straits, and the Caucasus and Ural Mountains. Freedom is not a Western monopoly, nor is despotism a peculiar offshoot of Oriental societies. The increasingly close contacts between Asia and the West come at a troubled period in the world's history, and revolutionary upheavals and frequent clashes can safely be predicted. But the conflicts need not be basically on the level of political thought and ideology. In the political tradition of the Western world and also in that of India one can find the roots of the ideas and practices which underlie the present age of *realpolitik*, national instability, and incipient international anarchy; but in the same traditions one may find ideas and examples which will give guidance and inspiration for man's endless adventure,

straining for ever to the light
that flows from regions out of sight.

⁵¹ Radhakrishnan, *Eastern Religions and Western Thought*, p. 115.

JUDICIAL SELF-RESTRAINT

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Every society, sociological research suggests, has its set of myths which incorporate and symbolize its political, economic, and social aspirations. Thus, as medieval society had the Quest for the Holy Grail and the cult of numerology, we, in our enlightened epoch, have as significant manifestations of our collective hopes the dream of impartial decision-making and the cult of "behavioral science." While in my view these latter two are but different facets of the same fundamental drive, namely, the age-old effort to exorcise human variables from human action, our concern here is with the first of them, the pervasive tendency in the American political and constitutional tradition directed towards taking the politics out of politics, and substituting some set of Platonic guardians for fallible politicians.

While this dream of objectivizing political Truth is in no sense a unique American phenomenon, it is surely true to say that in no other democratic nation has the effort been carried so far and with such persistence.¹ Everywhere one turns in the United States, he finds institutionalized attempts to narrow the political sector and to substitute allegedly "independent" and "impartial" bodies for elected decision-makers.² The so-called "independent regulatory commissions" are a classic example of this tendency in the area of administration, but unquestionably the greatest hopes for injecting pure Truth-serum into the body politic have been traditionally reserved for the federal judiciary, and particularly for the Supreme Court. The rationale for this viewpoint is simple: "The people must be protected from themselves, and no institution is better fitted for the role of chaperone than the federal judiciary, dedicated as it is to the supremacy of the rule of law."

Patently central to this function of social chaperonage is the right of the

¹ See Kenneth C. Wheare, *Federal Government*, 3rd ed. (New York, 1953), pp. 60-68. for a discussion of the application of judicial review in other nations. The British formerly utilized "impartial" bodies extensively in administration, but in recent years there has been a trend towards subsuming all administrative agencies under the direction of politically responsible ministers; see William A. Robson, "The Public Corporation in Britain Today," *Harvard Law Review*, Vol. 63, pp. 1321-48 (June, 1950). The French, in their postwar nationalization acts, tried to excise politics from the operation of the state industries by establishing functional boards composed on the basis of interest representation; see Mario Einaudi, "Nationalization in France and Italy," *Social Research*, Vol. 15, pp. 22-43 (March, 1948), but apparently Truth was as elusive as ever; see Adolf Sturmthal, "The Structure of Nationalized Industries in France," *Political Science Quarterly*, Vol. 67, pp. 357-77 (Sept., 1952). The failure of a classic effort to take economics out of politics was chronicled by Lindsay Rogers and W. R. Dittmar, "The Reichswirtschaftsrat: *De Mortuis*," *Political Science Quarterly*, Vol. 50, pp. 481-501 (Dec., 1935).

² See Avery Leiserson, *Administrative Regulation, A Study in Representation of Interests* (Chicago, 1942); E. Pendleton Herring, *Public Administration and the Public Interest* (New York, 1936); John P. Roche and Murray S. Stedman, Jr., *The Dynamics of Democratic Government* (New York, 1954), Ch. 12.

judiciary to review legislative and executive actions and nullify those measures which derogate from eternal principles of truth and justice as incarnated in the Constitution. Some authorities, enraged at what the Supreme Court has found the Constitution to mean, have essayed to demonstrate that the Framers did not intend the Court to exercise this function, to have, as they put it, "the last word."³ I find no merit in this contention; indeed, it seems to me undeniable not only that the authors of the Constitution intended to create a federal government, but also that they assumed *sub silentio* that the Supreme Court would have the power to review both national and state legislation.⁴

However, since the intention of the Framers is essentially irrelevant except to antiquarians and polemicists, it is unnecessary to examine further the matter of origins. The fact is that the United States Supreme Court, and the inferior federal courts under the oversight of the high Court, have enormous policy-making functions. Unlike their British and French counterparts, federal judges are not merely technicians who live in the shadow of a supreme legislature, but are fully equipped to intervene in the process of political decision-making. In theory, they are limited by the Constitution and the jurisdiction it confers, but, in practice, it would be a clumsy judge indeed who could not, by a little skilful exegesis, adapt the Constitution to a necessary end.⁵ This statement is in no sense intended as a condemnation; on the contrary, it has been this perpetual reinvigoration by reinterpretation, in which the legislature and the executive as well as the courts play a part, that has given the Constitution its survival power. Applying a Constitution which contains at key points inspired ambiguity, the courts have been able to pour the new wine in the old bottle. Note that the point at issue is not the legitimacy or wisdom of judicial legislation; it is simply the enormous scope that this prerogative gives to judges to sub-

³ The classic statement of this position was Charles G. Haines' *The Role of the Supreme Court in American Government and Politics, 1789-1835* (Berkeley, 1944). William W. Crosskey has recently thrown some semantic fagots on this dying fire, *Politics and the Constitution*, 2 vols. (Chicago, 1953). It might be useful to point out that under the American system of checks and balances the Supreme Court does *not* have the last word. If the Court abuses its prerogatives, as it did in the income tax case, the power to amend the Constitution serves as an antidote. This was particularly true in the formative years of the Republic when the Court's decision in *Chisholm v. Georgia*, 2 Dallas 419 (1793), was immediately countered by the Eleventh Amendment; see *Hollingsworth v. Virginia*, 3 Dallas 378 (1798), for a discussion of the impact of this amendment on judicial procedure. Today the amending power has become quite difficult to implement (but see the exceptionally rapid passage of the Twenty-second Amendment); however, at a time when senators were chosen by state legislatures it was highly probable that an amendment receiving two-thirds of the votes in the Senate would reflect directly the sentiments of the sovereign states.

⁴ See the recent statement by Professors Hart and Wechsler that "the grant of judicial power was to include the power, where necessary in the decision of cases, to disregard state or federal statutes found to be unconstitutional. Despite the curiously persisting myth of usurpation, the Convention's understanding on this point emerges from its records with singular clarity." Henry M. Hart, Jr. and Herbert Wechsler, *The Federal Courts and the Federal System* (Brooklyn, 1953), p. 14.

⁵ See the fine study by Benjamin Twiss, *Lawyers and the Constitution* (Princeton, 1942).

stitute their views for those of past generations, or, more controversially, for those of a contemporary Congress and President.

Thus it is naive to assert that the Supreme Court is limited by the Constitution, and we must turn elsewhere for the sources of judicial restraint. The great power exercised by the Court has carried with it great risks, so it is not surprising that American political history has been sprinkled with demands that the judiciary be emasculated.⁶ The really startling thing is that, with the notable exception of the *McCardle* incident in 1869,⁷ the Supreme Court has emerged intact from each of these encounters. Despite the plenary power that Congress, under Article III of the Constitution, can exercise over the appellate jurisdiction of the high Court, the national legislature has never taken sustained and effective action against its House of Lords.⁸ It is beyond the purview of this analysis to examine the reasons for congressional inaction;⁹ suffice it here to say that the most significant form of judicial limitation has remained self-limitation. This is not to suggest that such a development as statutory codification has not cut down the area of interpretive discretion, for it obviously has. It is rather to maintain that when the justices have held back from assaults on legislative or executive actions, they have done so on the basis of self-established rationalizations such as Justice Brandeis' famous "Ashwander rules."¹⁰

⁶ The first major effort was made by the Jeffersonians when they impeached Justice Samuel Chase for his bitter displays of anti-Jeffersonianism on the bench. Although the attempt failed to gather the necessary two-thirds vote in the Senate required for conviction—and a constitutional amendment which would have made federal judges removable by the President upon joint address by Congress also died aborning—the Supreme Court went into judicious hibernation; see Haines, pp. 264–65. The *Dred Scott* decision brought from Republicans demands that the Court be curbed, including the famous statement by Lincoln to the effect that while the Court's views were interesting, they were not necessarily binding upon the coördinate branches of government; see Charles Warren, *The Supreme Court in United States History*, 2 vols. (Boston, 1947), Vol. 2, p. 331. In the post-Civil War period, the demand was taken up by the agrarian radicals and later by the Socialists, and the Progressive Platform in the 1912 election contained an endorsement of recall of Supreme Court decisions by referendum. The most recent struggle, that between President Franklin D. Roosevelt and the "Nine Old Men," concerned the right to add personnel to the Court rather than to impeach the content of judicial decisions *qua* decisions. Since the segregation decision of June, 1954, some new precincts have reported: southern statesmen, allegedly pillars of conservatism and the rule of law, have been denouncing what they call the Court's "political decision," and one of the candidates for nomination in the 1954 Democratic gubernatorial primary in Georgia ran on the slogan: "Abolish the Supreme Court!" He lost, but before too much consolation is drawn from this defeat, it should be added that the winner seemingly favored the abolition of the whole national government if necessary to prevent desegregation.

⁷ *Ex parte McCardle*, 7 Wall. 506 (1869). See Warren, Vol. 2, pp. 473–89, for a discussion of this famous judicial emasculation.

⁸ For this expressive phrase, I am indebted to the analysis of Maurice Finkelstein, "Judicial Self-Limitation," *Harvard Law Review*, Vol. 37, pp. 338–64 (Jan., 1924).

⁹ See Roche and Stedman, Ch. 10, for a brief attempt to explain why the United States courts have remained so autonomous.

¹⁰ Promulgated by Justice Brandeis in his concurring opinion in *Ashwander v. T.V.A.*, 297 U. S. 288, at 345–48 (1936).

The remainder of this paper is therefore concerned with two aspects of this auto-limitation: first, the techniques by which it is put into practice; and, second, the conditions under which it is exercised. It might be noted that no judgment will be entered on the merits of judicial action: the American people, however wisely or foolishly, have incorporated the notion of judicial supremacy in their social myths; I accept that fact as a constant in the equation. Furthermore, there seems to be little question of principle in the long-standing argument over the legitimacy of judicial legislation. On the contrary, it appears that all hands have been in favor of judicial restraint when it operates on their behalf, and in favor of judicial intervention when such action forwards their objectives. From the Jeffersonians, who maintained that the judiciary should declare the Sedition Act of 1798 unconstitutional,¹¹ to President Franklin D. Roosevelt, who kept to himself his view that a section of the Lend-Lease Act was unconstitutional to avoid embarrassing his congressional lieutenants,¹² American politics has demonstrated little abiding concern with "principles of jurisprudence." An analyst may be devoted to such principles, but he should not permit his ideological "aprioris" to dominate his presentation of descriptive data.¹³

TECHNIQUES OF JUDICIAL SELF-RESTRAINT

The major techniques of judicial self-restraint appear to fall under the two familiar rubrics: procedural and substantive. Under the former fall the various techniques by which the Court can avoid coming to grips with substantive issues, while under the latter would fall those methods by which the Court, in a substantive holding, finds that the matter at issue in the litigation is not

¹¹ Most notably in the trial of Callander for sedition in the Virginia Circuit Court. Haines, pp. 163-65, distinguishes this case on the ground that the Jeffersonian lawyers asked the *jury* to declare the Sedition Act unconstitutional, but fails to point out that they used as precedent two Virginia cases in which *judges* had declared Virginia statutes violative of the state constitution. Tactics in this case, with Samuel Chase on the bench, obviously precluded asking the judge to hold the law null and void; see Francis Wharton, *State Trials of the United States during the Administrations of Washington and Adams* (Philadelphia, 1849), pp. 709 ff. Chase declared the Sedition Act to be constitutional, and further asserted his jurisdiction to make this finding. He made the same assertion in *Cooper v. Telfair*, 4 Dallas 14, at 19 (1800). The abolitionists later made a name for themselves by urging the Court to hold the Fugitive Slave Act unconstitutional while simultaneously maintaining that states'-rights forbade judicial enforcement of the statute; see Jacobus tenBroek, *The Antislavery Origins of the Fourteenth Amendment* (Berkeley, 1951), Ch. 2.

¹² Robert H. Jackson, "A Presidential Legal Opinion," *Harvard Law Review*, Vol. 66, pp. 1353-61 (June, 1953), in which the late Justice Jackson recorded F.D.R.'s conviction and privately recorded opinion that the termination-by-concurrent-resolution section of the Lend-Lease Act was unconstitutional. The President refused to make his views public because several isolationist senators had made the same point in attacking the measure, and the administration's leaders in the Senate had gone firmly on record as to its constitutionality.

¹³ The purpose of this statement is to make it clear that I am not an advocate of oligarchy or judicial irresponsibility, although I do not take time out in the course of this analysis to engage in missionary activities.

properly one for judicial settlement. Let us examine these two categories in some detail.

Procedural Self-Restraint. Since the passage of the Judiciary Act of 1925,¹⁴ the Supreme Court has had almost complete control over its business. United States Supreme Court *Rule 38*, which governs the certiorari policy, states (#5) that discretionary review will be granted only "where there are special and important reasons therefor." Professor Fowler Harper has suggested in a series of detailed and persuasive articles on the application of this discretion¹⁵ that the Court has used it in such a fashion as to duck certain significant but controversial problems. While one must be extremely careful about generalizing in this area, since the reasons for denying certiorari are many and complex,¹⁶ Harper's evidence does suggest that the Court in the period since 1949 has refused to review cases involving important civil liberties problems which on their merits appeared to warrant adjudication.¹⁷ As he states at one point: "it is disconcerting when the Court will review a controversy over a patent on a pin ball machine while one man is deprived of his citizenship and another of his liberty without Supreme Court review of a plausible challenge to the validity of government action."¹⁸ That this restraint is not wholly accidental is suggested by Professor Pritchett's recent study of the general attitude of the Vinson Court towards civil liberty issues.¹⁹

Furthermore, the Supreme Court can issue certiorari on its own terms. Thus in *Dennis v. United States*,²⁰ appealing the Smith Act convictions of the American Communist leadership, the Court accepted the evidential findings of the

¹⁴ 43 Stat. 936.

¹⁵ Fowler Harper and Alan S. Rosenthal, "What the Supreme Court Did Not Do in the 1949 Term," *University of Pennsylvania Law Review*, Vol. 99, pp. 293-325 (Dec., 1950); Harper and Edwin D. Ethrington, "What the Supreme Court Did Not Do in the 1950 Term," *University of Pennsylvania Law Review*, Vol. 100, pp. 354-409 (Dec., 1951); Harper and George C. Pratt, "What the Supreme Court Did Not Do during the 1951 Term," *University of Pennsylvania Law Review*, Vol. 101, pp. 439-79 (Jan., 1953); and Harper and George Leibowitz, "What the Supreme Court Did Not Do during the 1952 Term," *University of Pennsylvania Law Review*, Vol. 103, pp. 427-63 (Feb., 1954).

¹⁶ As Justice Frankfurter pointed out in *Maryland v. Baltimore Radio Show*, 338 U. S. 912 (1950).

¹⁷ Among them: *Lapides v. Clark*, 176 F.2d 619 (D. C. Cir. 1949) [loss of citizenship]; *cert. denied*, 338 U. S. 861 (1949); *Trumbo v. U. S.*, 176 F.2d 49 (D. C. Cir. 1949) [attack on *vires* of House Committee on Un-American Activities]; *cert. denied*, 339 U. S. 434 (1950); *Dorsey v. Stuyvesant Town Corp.*, 299 N. Y. 512 (1949) [legality of segregation in housing built with state aid]; *cert. denied*, 339 U. S. 981 (1950); *Mastrapasqua v. Shaughnessy*, 186 F.2d 717 (2d Cir. 1950) [judicial review of deportation order]; *cert. denied*, 341 U. S. 930 (1951); *Taylor v. Birmingham*, 253 Ala. 369 (1949) [segregation enforced by breach of the peace warrants]; *cert. denied*, 340 U. S. 832 (1950).

¹⁸ *University of Pennsylvania Law Review*, Vol. 99, p. 323 (Dec., 1950).

¹⁹ See C. Herman Pritchett, *Civil Liberties and the Vinson Court* (Chicago, 1954).

²⁰ 341 U. S. 494 (1951). It might be noted here that by refusing to grant certiorari the Court avoided ruling on the Smith Act in 1943; see *Dunne v. U. S.*, 138 F.2d 137 (8th Cir. 1943) [conviction of Minneapolis Trotskyites under Smith Act]; *cert. denied*, 320 U. S. 790 (1943); *rehearing denied*, 320 U. S. 814 (1943).

Second Circuit as final and limited its review to two narrow constitutional issues.²¹ This, in effect, burked the basic problem: whether the evidence was sufficient to demonstrate that the Communist party, U.S.A., was *in fact* a clear and present danger to the security of the nation, or whether the Communists were merely shouting "Fire!" in an empty theater.

Other related procedural techniques are applicable in some situations. Simple delay can be employed, perhaps in the spirit of the Croatian proverb that "delay is the handmaiden of justice." The case of *Duncan v. Kahana-moku*,²² contesting the validity of military trials of civilians in Hawaii during the war, is a good instance of the judicial stall: Duncan was locked up in August, 1942, and only succeeded in bringing *habeas corpus* action in the District Court in April, 1944. In November, 1944, the Ninth Circuit affirmed the denial of the writ,²³ and Duncan immediately applied to the Supreme Court for certiorari—which was granted in February, 1945. The Supreme Court studied the case carefully while the war ended, and then in February, 1946, determined that Duncan had been improperly convicted. The Japanese-Americans, attempting to get a judicial ruling on the validity of their detainment in relocation centers, met with the same Kafka-esque treatment.²⁴ However, the technique of procedural self-restraint is founded on the essentially simple gadget of refusing jurisdiction, or of procrastinating the acceptance of jurisdiction, and need not concern us further here.

Substantive Self-Restraint. Once a case has come before the Court on its merits, the justices are forced to give some explanation for whatever action they may take. Here self-restraint can take many forms, notably, the doctrine of political questions, the operation of judicial parsimony, and—particularly with respect to the actions of administrative officers or agencies—the theory of judicial inexpertise.

The doctrine of political questions is too familiar to require much elaboration here. Suffice it to say that if the Court feels that a question before it, e.g., the legitimacy of a state government,²⁵ the validity of a legislative apportionment,²⁶ or the correctness of executive action in the field of foreign relations,²⁷ is one that is not properly amenable to judicial settlement, it will refer the plaintiff to the "political" organs of government for any possible relief. The extent to which this doctrine is applied seems to be a direct coefficient of judi-

²¹ *First*, whether the Smith Act violated the First Amendment guarantee of free speech, and, *second*, whether the Act was so indefinite as to constitute a violation of the Fifth Amendment guarantee of due process of law.

²² 327 U. S. 304 (1946).

²³ *Ex parte Duncan*, 146 F.2d 576 (9th Cir. 1944); *cert. granted*, 324 U. S. 833 (1945).

²⁴ The Court, by an ingenious maneuver, avoided ruling on the legality of evacuation until December, 1944, almost two years after the policy was initiated, although it had an opportunity to do so in *Hirabayashi v. U. S.*, 320 U. S. 93 (1943). The technique utilized in the *Hirabayashi* case to avoid the evacuation issue is discussed later in this article.

²⁵ *Luther v. Borden*, 7 Howard 1 (1849); *Pacific States Telephone & Telegraph Co. v. Oregon*, 223 U. S. 118 (1912).

²⁶ *Colegrove v. Green*, 328 U. S. 549 (1946); *South v. Peters*, 339 U. S. 276 (1950).

²⁷ *Oetjen v. Central Leather Co.*, 246 U. S. 297 (1918).

cial egotism, for the definition of a political question can be expanded or contracted in accoridian-like fashion to meet the exigencies of the times.²⁸ A juridical definition of the term is impossible, for at root the logic that supports it is circular: political questions are matters not soluble by the judicial process; matters not soluble by the judicial process are political questions. As an early dictionary explained, violins are small cellos, and cellos are large violins.

Nor do examples help much in definition. While it is certainly true that the Court cannot mandamus a legislature to apportion a state in equitable fashion, it seems equally true that the Court is without the authority to force state legislators to implement unsegregated public education. Yet in the former instance the Court genuflected to the "political" organs and took no action, while in the latter it struck down segregation as violative of the Constitution.

Judicial parsimony is another major technique of substantive self-restraint. In what is essentially a legal application of Occam's razor, the Court has held that it will not apply any more principles to the settlement of a case than are absolutely necessary, *e.g.*, it will not discuss the constitutionality of a law if it can settle the instant case by statutory construction. Furthermore, if an action is found to rest on erroneous statutory construction, the review terminates at that point: the Court will not go on to discuss whether the statute, properly construed, would be constitutional. A variant form of this doctrine, and a most important one, employs the "case or controversy" approach, to wit, the Court, admitting the importance of the issue, inquires as to whether the litigant actually has standing to bring the matter up.

But while on the surface this technique of limitation appears to be quasi-automatic in operation, such is not always the case. For example, the Court held in the United Public Workers²⁹ and the Alaskan cannery workers³⁰ cases that the plaintiffs could not get adjudication until the laws they challenged had been employed against them; it also agreed to review the constitutionality of the New York Teacher Loyalty statute *before* anyone had been injured by its operations.³¹ Similarly, the Court for years held that a state government had no standing to intervene *parens patriae* on behalf of the interests of its citizens,³² but changed its mind in 1945 to permit Georgia to bring action under the antitrust laws against twenty railroads.³³

A classic use of parsimony to escape from a dangerous situation occurred in connection with the evacuation of the Nisei from the West Coast in 1942. Gordon Hirabayashi, in an attempt to test the validity of the regulations clamped

²⁸ See the excellent discussion by John P. Frank in *Supreme Court and Supreme Law*, ed. Edmond Cahn (Bloomington, 1954), pp. 36-47.

²⁹ *United Public Workers v. Mitchell*, 330 U. S. 75 (1947) [federal loyalty program].

³⁰ *Int'l Longshoremen's & Warehousemen's Union, Local 37 v. Boyd*, 347 U. S. 222 (1954) [reentry provisions of McCarran Act].

³¹ *Adler v. Board of Education*, 342 U. S. 485 (1952). See the discussion of standing by Ralph E. Bischoff in Cahn, pp. 26-36.

³² *Massachusetts v. Mellon*, 262 U. S. 447 (1923); *Jones ex rel. Louisiana v. Bowles*, 322 U. S. 707 (1944).

³³ *Georgia v. Pennsylvania Railroad*, 324 U. S. 439 (1945).

on the American-Japanese by the military, violated the curfew and refused to report to an evacuation center. He was convicted on both counts by the district court and sentenced to three months for each offense, the sentences to run *concurrently*. When the case came before the Supreme Court, the justices sustained his conviction for violating the *curfew*, but refused to examine the validity of the evacuation order on the ground that it would not make any difference to Harabayashi anyway; he was in for ninety days no matter what the Court did with evacuation.³⁴

A third method of utilizing substantive self-restraint is particularly useful in connection with the activities of executive departments or regulatory agencies, both state and federal. I have entitled it the doctrine of judicial *inexpertise*, for it is founded on the unwillingness of the Court to revise the findings of experts. The earmarks of this form of restraint are great deference to the holdings of the expert agency usually coupled with such a statement as "It is not for the federal courts to supplant the [Texas Railroad] Commission's judgment even in the face of convincing proof that a different result would have been better."³⁵ In this tradition, the Court has refused to question *some* exercises of discretion by the National Labor Relations Board,³⁶ the Federal Trade Commission,³⁷ and other federal and state agencies. But the emphasis on *some* gives the point away: in other cases, apparently on all fours with those in which it pleads its technical *inexpertise*, the Court feels free to assess evidence *de novo* and reach independent judgment on the technical issues involved. Without getting involved in the complexities of the *Ben Avon* case,³⁸ *Crowell v. Benson*,³⁹ or *FPC v. Hope Natural Gas Co.*,⁴⁰ we need only cite the instance of *N.L.R.B. v. Highland Park Manufacturing Co.*, in which the Court overruled the N.L.R.B.⁴¹ The Board had held that the C.I.O. was not a "national union" within the meaning of the Taft-Hartley Act, but was rather a confederation of labor unions, but Justice Jackson announced for the Court that "the C.I.O. . . . is certainly in the speech of people a national union, whatever its internal composition."⁴² Justices Frankfurter and Douglas dissented, suggesting that the Supreme Court was not qualified to replace the Board.⁴³

In short, with respect to expert agencies, the Court is equipped with both

³⁴ *Hirabayashi v. U. S.*, 320 U. S. 93 (1943).

³⁵ *Railroad Commission of Texas v. Rowan & Nichols Oil Co.*, 310 U. S. 573 (1940).

³⁶ *NLRB v. Hearst Publications*, 322 U. S. 111 (1944).

³⁷ *FTC v. Ruberoid Co.*, 343 U. S. 470 (1952).

³⁸ *Ohio Valley Water Co. v. Ben Avon Borough*, 253 U. S. 287 (1920) [independent judicial reevaluation of administrative holding].

³⁹ *Crowell v. Benson*, 285 U. S. 22 (1932) [use of doctrine of jurisdictional fact to justify *de novo* trial of administrative adjudication].

⁴⁰ *FPC v. Hope Natural Gas Co.*, 320 U. S. 591 (1944) [presumptive validity of rate determination if the result is "just and reasonable"].

⁴¹ 341 U. S. 322 (1951).

⁴² *Ibid.*, at 324.

⁴³ "The best source for us in determining whether a term used in the field of industrial relations has a technical connotation is the body to which Congress has committed the administration of the statute." *Ibid.*, at 327.

offensive and defensive gambits. If it chooses to intervene, one set of precedents is brought out, while if it decides to hold back, another set of equal validity is invoked. Perhaps the best summary of this point was made by Justice Harlan in 1910, when he stated bluntly that "the Courts have rarely, if ever, felt themselves so restrained by technical rules that they could not find some remedy, consistent with the law, for acts . . . that violated natural justice or were hostile to the fundamental principles devised for the protection of the essential rights of property."⁴⁴

This does not pretend to be an exhaustive analysis of the techniques of judicial self-restraint;⁴⁵ on the contrary, others will probably find many which are not given adequate discussion here. The remainder of this paper, however, is devoted to the second area of concern: the conditions under which the Court refrains from acting.

THE CONDITIONS OF JUDICIAL SELF-RESTRAINT

The conditions which lead the Supreme Court to exercise auto-limitation are many and varied. In the great bulk of cases, this restraint is an outgrowth of sound and quasi-automatic legal maxims which defy teleological interpretation. It would take a master of the conspiracy theory of history to assign meaning, for example, to the great majority of certiorari denials; the simple fact is that these cases do not merit review. However, in a small proportion of cases, purpose does appear to enter the picture, sometimes with a vengeance. It is perhaps unjust to the Court to center our attention on this small proportion, but it should be said in extenuation that these cases often involve extremely significant political and social issues. In the broad picture, the refusal to grant certiorari in 1943 to the Minneapolis Trotskyites convicted under the Smith Act is far more meaningful than the similar refusal to grant five hundred petitions to prison "lawyers" who have suddenly discovered the writ of habeas corpus. Likewise, the holding that the legality of congressional apportionment is a "political question" vitally affects the operation of the whole democratic process.

What we must therefore seek are the conditions under which the Court holds back *in this designated category of cases*. Furthermore, it is important to realize that there are positive consequences of negative action: as Charles Warren has implied,⁴⁶ the post-Civil War Court's emphasis on self-restraint was a judicial concomitant of the resurgence of states'-rights. Thus self-restraint may, as in wartime, be an outgrowth of judicial caution, or it may be part of a purposeful pattern of abdicating national power to the states.

Ever since the first political scientist discovered Mr. Dooley, the changes have been rung on the aphorism that the Supreme Court "follows the election

⁴⁴ *Monongahela Bridge Co. v. U.S.*, 216 U.S. 177 at 195 (1910).

⁴⁵ The "presumption of constitutionality" might be considered as a separate technique of judicial self-restraint, but I consider it as a variant of judicial parsimony, a point of departure for applying Occam's razor.

⁴⁶ *The Supreme Court in United States History*, Vol. 2, pp. 533-61.

returns," and I see no particular point in ringing my variation on this theme through again.⁴⁷ Therefore, referring those who would like a more detailed explanation to earlier analyses,⁴⁸ the discussion here will be confined to the bare bones of my hypothesis.

The power of the Supreme Court to invade the decision-making arena, I submit, is a consequence of that fragmentation of political power which is normal in the United States. No cohesive majority, such as normally exists in Britain, would permit a politically irresponsible judiciary to usurp decision-making functions, but, for complex social and institutional reasons, there are few issues in the United States on which cohesive majorities exist. The guerrilla warfare which usually rages between Congress and the President, as well as the internal civil wars which are endemic in both the legislature and the administration, give the judiciary considerable room for maneuver. If, for example, the Court strikes down a controversial decision of the Federal Power Commission, it will be supported by a substantial bloc of congressmen; if it supports the FPC's decision, it will also receive considerable congressional support. But the important point is that *either* way it decides the case, there is no possibility that Congress will exact any vengeance on the Court for its action. A disciplined majority would be necessary to clip the judicial wings, and such a majority does not exist on this issue.

On the other hand, when monolithic majorities do exist on issues, the Court is likely to resort to judicial self-restraint. A good case here is the current tidal wave of anti-communist legislation and administrative action, the latter particularly with regard to aliens, which the Court has treated most gingerly. About the only issues on which there can be found cohesive majorities are those relating to national defense, and the Court has, as Clinton Rossiter demonstrated in an incisive analysis,⁴⁹ traditionally avoided problems arising in this area irrespective of their constitutional merits. Like the slave who accompanied a Roman consul on his triumph whispering "You too are mortal," the shade of Thad Stevens haunts the Supreme Court chamber to remind the justices what an angry Congress can do.

To state the proposition in this brief compass is to oversimplify it considerably. I have, for instance, ignored the crucial question of how the Court knows when a majority *does* exist, and I recognize that certain aspects of judicial behavior cannot be jammed into my hypothesis without creating essentially spurious epicycles. However, I am not trying to establish a monistic theory of judicial action; group action, like that of individuals, is motivated by many factors, some often contradictory, and my objective is to elucidate what seems

⁴⁷ See the treatment of this problem by Professor Pritchett, *op. cit.*, Ch. 13.

⁴⁸ See "Executive Power and Domestic Emergency: The Quest for Prerogative," *op. cit.*, "Education, Segregation and the Supreme Court—A Political Analysis," *University of Pennsylvania Law Review*, Vol. 99, pp. 949-59 (May, 1951); "Plessy v. Ferguson: *Requiescat in Pace?*," *University of Pennsylvania Law Review*, Vol. 103, pp. 46-58 (Oct., 1954); and Roche and Stedman, Ch. 10.

⁴⁹ *The Supreme Court and the Commander-in-Chief* (Ithaca, 1951).

to be one tradition of judicial motivation. In short, judicial self-restraint and judicial power seem to be opposite sides of the same coin: it has been by judicious application of the former that the latter has been maintained. A tradition beginning with Marshall's *coup* in *Marbury v. Madison* and running through *Mississippi v. Johnson* and *Ex Parte Vallandigham* to *Dennis v. United States* suggests that the Court's power has been maintained by a wise refusal to employ it in unequal combat.⁵⁰

⁵⁰ While this article was wending its leisurely way towards publication, the federal courts have begun to emphasize an interesting variant of judicial self-restraint in civil rights cases. Without ruling on the merits of cases at bar, judges in several key cases have utilized procedural grounds to frustrate government action. In San Francisco, a district judge ruled that the United States had not adequately sustained its evidential burden against Harry Bridges, thus saving the latter from denaturalization. In New York, the contempt of Congress indictments of Corliss Lamont and others similarly situated were quashed on the ground that the true bill did not proclaim the *vires* of the subcommittee before which the contempts were allegedly committed. After a long and complicated legal battle, the Court of Appeals, District of Columbia, quashed the key charge in the perjury indictment of Owen Lattimore, and the same Court undermined the plenary jurisdiction of the Passport Division of the State Department by requiring an adherence to due process in passport denials. Finally, in *Peters v. Hobby*, 349 U.S. 341 (1955), the Supreme Court—on a basis so narrow as to be virtually invisible (*i.e.*, that the Loyalty Review Board was *ultra vires* in reopening, by its own action, the case of Dr. Peters)—overruled Peters' dismissal. Perhaps henceforth the protection of civil liberties will be effected by procedural meticulousness! This is not a new technique: in the seventeenth century it was applied by the British courts to mitigate the substantive injustices of outlawry. Even misspellings in the writ of exigent were employed to invalidate the proceedings as, for instance, in *Griffith v. Thomas*, Style 334 (1652), where the error of spelling *praecipimus* praecipipimus was held to be fatal.

PARTY VOTING IN AMERICAN STATE LEGISLATURES

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The political systems of American states have remained, until recent years, a neglected field of study. Students of state government have found it easier to make meaningful comparisons of administration or legislative organization than to capture on paper the dynamic political forces which appear to be unique in each state and often are completely transformed by each group of personalities that wander on and off the political stage. V. O. Key's excellent study of the political forces in Southern states pointed up the lack of similar surveys of Northern states.¹

In particular, the role of political parties in state legislatures has been largely ignored. The report of the American Political Science Association Committee on American Legislatures points out this problem and also notes that "it has been generally assumed that partisanship counts for less in most state legislatures than it does in Congress."² Professor Lowell's famous study in 1901, which showed a comparatively low level of party voting in all of the five states he studied except New York, provided the empirical evidence for a conclusion that has been widely shared by later writers.³

Several writers in recent years have re-examined this question by detailed studies of specific American legislatures, and have reached conclusions which are at variance with one another.⁴ The study that follows is a comparison of the extent of party voting in the legislatures of eight American states that have the basic prerequisite for a significant degree of party influence: a reasonably strong and healthy two-party system. This study points up the wide variety in the extent of party voting and the relatively high level in the larger urban states.

It is obvious that there are many states which have been so dominated by one party in recent years that partisan factors can have no significant influence over legislative voting habits. Into this category would fall the eleven Southern states, and twelve others—five with Democratic and seven with Republican records over at least the past quarter-century. There are two states with non-partisan legislatures and one, Wisconsin, with a unique blend of Republican and Progressive control over part of the last two decades. It cannot be said

¹ V. O. Key, Jr., *Southern Politics in State and Nation* (New York, 1949).

² *American State Legislatures*, ed. Belle Zeller (New York, 1954), p. 189.

³ A. Lawrence Lowell, "The Influence of Party upon Legislation in England and America," *Annual Report of the American Historical Society for the Year 1901*, Vol. 1, pp. 319-542 (1902).

⁴ See W. Duane Lockard, "Legislative Politics in Connecticut," this REVIEW, Vol. 48, pp. 166-73 (March, 1954); William J. Keefe, "Party Government and Lawmaking in the Illinois General Assembly," *Northwestern University Law Review*, Vol. 47, pp. 55-71 (March, 1952); and William J. Keefe, "Parties, Partisanship, and Public Policy in the Pennsylvania Legislature," this REVIEW, Vol. 48, pp. 450-64 (June, 1954). Comparisons with these studies are made later in this paper.

that each of the remaining twenty-two states has had a consistently vigorous two-party system, but in none of them has one party controlled both the governorship and the two houses of the legislature for as much as sixteen of the last twenty years. These are the states in which there is more likely to be a reflection of partisan activity in the legislature. The eight states chosen for examination in this study are among these twenty-two having at least a semblance of an effective two-party system.

Methods of Research. This study of the influence of party in legislative voting is limited to sessions in which the party balance in the legislature was reasonably close, for it was assumed that there would be less party voting, even in strong two-party states, during the years of one-sided legislative control. Two legislative sessions have been chosen for study whenever necessary to get a sample large enough for statistical significance.

For each session, every roll call printed in the legislative journals has been examined. In all of the states studied, except Massachusetts, a roll call is required on the final passage of every bill, resulting in a very large total number of roll calls. No record was made of unanimous roll calls or of those in which at least 90 per cent of the Republicans voted on the same side as 90 per cent of the Democrats. The number of nearly or completely unanimous roll calls is very large, but such roll calls prove nothing about the role of parties on issues which provoked disagreement in the legislature.⁵ Every other roll call has been included in these calculations, whether on an amendment, final passage of a bill, or any other question, except in a few cases where the number of roll calls on one issue was so large as to distort the total figures.⁶ The duplicating vote on emergency clauses in Missouri and Colorado has also been omitted. No attempt has been made to give added weight to bills considered of major importance. No record has been made of independent or third-party voters or of those who abstained from voting on an issue.

The roll-call totals have been translated into the index of cohesion according to the system suggested by Stuart Rice.⁷ When all members of a party vote on one side of an issue the index is 100; when they are evenly divided it is 0. All of the roll-call votes of each party have been divided into three classes: those with a party index of cohesion of 80-100 (90-100 per cent of the members on one side), those with an index of 40-79 (70-89 per cent on one side), and those with an index of 0-39 (50-69 per cent on one side).

No simple formula can describe accurately the degree of party voting in the roll calls of a state, but there are certain keys to an understanding of the complex statistics. First, on what percentage of all the roll calls did a majority of the two parties take opposite sides of a question? Obviously this percentage

⁵ Eliminating these two categories facilitates comparison between the states requiring a roll call on all bills and those (e.g., Massachusetts) that do not. Inclusion of these categories in the studies by other writers has been a major factor leading them to apparently contradictory conclusions about party influence in legislatures of various states.

⁶ The omitted roll calls were 30 on two issues in the 1945 session of the Washington Senate and 51 on one issue in the 1947 session of the Colorado House.

⁷ Stuart Rice, *Quantitative Methods in Politics* (New York, 1928), p. 209.

will tend to vary with the degree of party influence. Second, within this group of roll calls, how much unity did each of the parties display? Third, within this group of roll calls with the parties opposed, how many produced a high level of unity in both parties? For this purpose we have defined as a "party vote" an index of cohesion of 80 in both parties. Fourth, among the roll calls with a majority of both parties on the same side, did either party have a much higher degree of unity than the other?

The eight states studied contain over one-third of the people in this country; most of these states are large and urban. The 2,743 roll calls furnish a representative sample of party voting in the legislatures of strong two-party states during periods of close party competition. The study does not examine the role of party leaders and party factions in committees in bringing bills to a vote or blocking them, a subject on which more research is necessary.

Massachusetts. Massachusetts has had a strongly competitive party system since the start of the New Deal. The two parties have shared the governor's chair equally in the last two decades. Although the legislature, through skillful gerrymandering, has had Republican majorities in nearly all of these years, the margin has been relatively close. In the year under study, 1947, the Republican administration had comfortable, but not one-sided, majorities in both legislative branches. Massachusetts is one of the few states in which every bill introduced must have a committee hearing, be reported out, and be voted on. Since party influence cannot kill a bill in committee, the roll-call study gives a more comprehensive picture of party activity than it does in most states. This is the only state studied which does not require roll calls on final passage of each bill. In Massachusetts, roll calls are demanded only on highly controversial and usually partisan bills. For this reason the percentage of votes with the parties on opposite sides is very high and is not truly comparable with the percentages in other states. Conversely, there are so few votes with the parties on the same side that differences in party unity in this category cannot be examined.

Within the category of roll calls with the parties on opposite sides, Table I shows a high level of party unity in both branches, particularly among the minority Democrats; only the Pennsylvania parties showed a higher degree of unity in this respect than the Massachusetts Democrats. Over three-quarters of the Democratic Senate votes shown to have a cohesion index of 80 or more represent party unanimity.

Almost one-third of the large number of roll calls on which the Democrats but not the Republicans had a cohesion index of 80 or more were on labor and welfare issues. This may in part reflect the conflicting pressures on Republicans from urban areas in the state. The difference in party unity might be expected to reflect the comfortable majority of the Republican party, but in over one-fifth of the roll calls on which the parties took opposite sides, the minority Democrats gained enough Republican votes to win.⁸

⁸ In a study of party voting in a similar New England state legislature, Connecticut, for eleven sessions (1931-1951), W. Duane Lockard concluded that "parties, far from being relatively insignificant, play a dominating role." Connecticut, like Massachusetts,

TABLE I. PARTY VOTING IN MASSACHUSETTS LEGISLATURE IN 1947*

	Percentage of Total Roll Calls			
	Senate N = 133		House N = 128	
Parties on Opposite Sides	93%		93%	
Index of Cohesion:				
Both parties 80-100 ^a	38%		40%	
Each party 80-100	Rep. 42%	Dem. 74%	Rep. 48%	Dem. 68%
40-79	37	10	30	16
0-39	14	9	15	9
Parties on Same Side	7%		7%	
Index of Cohesion:				
Rep. 0-79 Dem. 80-100	2%		2%	
Rep. 80-100 Dem. 0-79	0		2	
Rep. 0-79 Dem. 0-79	5		3	

* Political composition: Governor—Republican

Senate—24 Republicans—16 Democrats

House—144 Republicans—96 Democrats

^a In these tables, the percentage of roll calls for which the index of both parties was at least 80 is a subtotal of the similar figure given for each of the parties.

New York. New York has often been cited, by Professor Lowell and other observers, as one of the few states in which parties play a large role in legislative voting. This study shows that, among the eight states, only Pennsylvania outranked it in the overall degree of party voting. The size and diversity of New York's population and its key position in the electoral college have combined to give it a strong two-party system, although the balance of parties has been reflected more in the governorship than in the legislature. The Democrats have had control of one or both houses during only four out of the eight years they have held the governorship in the last two decades, while Republican governors have consistently had a legislative majority.

does not require roll calls on final passage of all bills and usually has an even lower number of total roll calls per session than does Massachusetts. This figure for Connecticut therefore presumably covers only the most controversial bills. Excluding the small number of unanimous votes (seven per cent in the Senate and three per cent in the House) from Lockard's statistics, we find that the parties took opposite sides in 90 per cent of the Senate votes and 83 per cent of the House votes, slightly less than in Massachusetts.

The Connecticut totals show a high level of unity for both parties, although unfortunately in this category the roll calls on which the parties agreed and disagreed are not separated. The percentage of all roll calls (excluding unanimous ones) on which each party had a cohesion index of 80 or more in the Senate was 59 per cent for the Democrats and 76 per cent for the Republicans, and in the House 83 per cent for the Democrats and 72 per cent for the Republicans. The Republicans controlled the House in all eleven sessions, and the Democrats controlled the Senate in most of the sessions. These figures are similar to the high levels in other urban, industrial states. (Presumably the number of roll calls with 90 per cent of both parties agreed, included by Mr. Lockard, was too small to distort the comparison in a state not requiring roll calls.) See Lockard, "Legislative Politics in Connecticut."

This study covers the legislative sessions of 1947 and 1949. In each session there was a Republican governor; in 1947 the Republicans had a large majority in the legislature, in 1949 a moderate majority.

Table II shows the high proportion of roll calls on which the parties were opposed; it also reveals a level of unity within this category that was consistently high and remarkably uniform for both parties in both houses. A breakdown of the figures shows little difference between the two sessions in the Senate, although both parties—particularly the Democrats—had slightly higher

TABLE II. PARTY VOTING IN NEW YORK LEGISLATURE IN 1947 AND 1949*

	Percentage of Total Roll Calls			
	Senate N = 146		House N = 184	
Parties on Opposite Sides	62%		61%	
Index of Cohesion:				
Both parties 80-100	32%		34%	
Each party 80-100	Rep. 42%	Dem. 40%	Rep. 44%	Dem. 43%
40-79	12	12	13	10
0-39	8	10	4	8
Parties on Same Side	38%		39%	
Index of Cohesion:				
Rep. 0-79 Dem. 80-100	9%		14%	
Rep. 80-100 Dem. 0-79	23		11	
Rep. 0-79 Dem. 0-79	6		14	

* Political composition: 1947 Governor—Republican
Senate—41 Republicans—14 Democrats
House—109 Republicans—40 Democrats
1949 Governor—Republican
Senate—31 Republicans—25 Democrats
House—87 Republicans—63 Democrats

levels of unity among the votes with the parties opposed in 1947. The figures varied more in the House, mainly because the percentage of roll calls with the parties opposed dropped from 76 to 46 per cent from 1947 to 1949. Within this category, both parties, but particularly the Democrats, showed greater unity in 1947, when the party balance was more one-sided. This is an exception to the expected rule that closer party competition breeds greater party unity.

On the issues on which a majority of both parties were agreed, the Republicans showed more unity in both sessions of the Senate and in the 1947 House session, as is generally the case with majority parties, but the Democrats were more united in the 1949 House session.

Pennsylvania. Pennsylvania for a long time was one of the strongholds of the Republican party, which kept an unbroken grip on both legislative branches and the governorship for the first 34 years of this century. While the Democratic gain since the New Deal has not been as great as in some states, the party has held the governorship for four years and one or both houses for six years

since 1934. Moreover, Democratic minorities have become much stronger than they were before the New Deal. The Republican margin over the Democrats averaged about two-to-one in the 1940's but was less in the 1945 session studied here.

This session provides the strongest example of party unity found in this study. The proportion of roll calls with the parties opposed shown in Table III was exceeded only in Massachusetts, where special circumstances have been noted. The level of unity in both parties and in both houses is extremely high.

TABLE III. PARTY VOTING IN PENNSYLVANIA LEGISLATURE IN 1945*

	Percentage of Total Roll Calls			
	Senate N = 151		House N = 147	
Parties on Opposite Sides	64%		81%	
Index of Cohesion:				
Both parties 80-100	52%		56%	
Each party 80-100	Rep. 56%	Dem. 59%	Rep. 64%	Dem. 62%
40-79	3	3	12	10
0-39	5	2	5	9
Parties on Same Side	36%		19%	
Index of Cohesion:				
Rep. 0-79 Dem. 80-100	11%		4%	
Rep. 80-100 Dem. 0-79	21		9	
Rep. 0-79 Dem. 0-79	4		6	

* Political composition: Governor—Republican

Senate—32 Republicans—18 Democrats

House—109 Republicans—99 Democrats

Pennsylvania is the only state where "party votes" (both parties with a cohesion index of 80 or more) were over 50 per cent of all the roll calls. An equally remarkable fact, not shown in the table, is that in one-third of the total votes every Democrat voted on one side and every Republican on the other.

The only significant difference between the parties is shown in the group of roll calls where the majority of both parties were agreed. Here, in accord with the general rule, the majority Republican party showed greater unity, having roughly twice as many votes with a cohesion index of 80 or above as did the Democrats.⁹

⁹ William J. Keefe reached a different conclusion in a study of the 1951 Pennsylvania legislature, that "the policy decisions which confronted the Pennsylvania legislature were mainly nonpartisan." This is largely because 82 per cent of the Senate roll calls and 70 per cent of those in the House were unanimous. Keefe recognizes that the requirement for a roll call on all bills leads to this high figure. It would seem that the test of party voting should be concentrated on controversial issues that lead to some dispute.

If unanimous votes are excluded, Keefe's figures for 1951 appear to show somewhat less party voting than do those for 1945. In 1951 the percentage of roll calls with the parties

Ohio. Ohio, like New York, has a key position in the electoral college and a balance of large urban centers and rural areas, which has given it a strong two-party system. In the last twenty years the Democratic party has controlled the governorship for twelve years, but has had a majority in one or both houses only four years. Despite the close balance of parties, each has at times had one-sided control of the legislature. The governor was Republican in the first year selected for study (1941) and Democratic in the second (1945), but the Republican majority was larger in both branches of the legislature in 1945.

TABLE IV. PARTY VOTING IN OHIO LEGISLATURE IN 1941 AND 1945*

	Percentage of Total Roll Calls			
	Senate N = 128		House N = 289	
Parties on Opposite Sides	49%		38%	
Index of Cohesion:				
Both parties 80-100	23%		15%	
Each party 80-100	Rep. 37%	Dem. 29%	Rep. 25%	Dem. 19%
40-79	7	9	6	10
0-39	5	11	7	9
Parties on Same Side	51%		62%	
Index of Cohesion:				
Rep. 0-79 Dem. 80-100	27%		11%	
Rep. 80-100 Dem. 0-79	15		34	
Rep. 0-79 Dem. 0-79	9		17	

* Political composition: 1941 Governor—Republican
Senate—19 Republicans—17 Democrats
House—78 Republicans—60 Democrats
1945 Governor—Democrat
Senate—20 Republicans—13 Democrats
House—89 Republicans—47 Democrats

Table IV shows a level of party voting in Ohio which was lower than in some of the other large industrial states studied, but higher than in the smaller rural states. The Senate, with a closer margin between the parties, had a larger proportion of roll calls with the parties in disagreement, particularly in 1941. Within this category both parties showed more unity in the Senate than in the House, and in both chambers the majority Republicans were more unified than the Democrats. Democratic cohesion remained steady during the two

on opposite sides was 34 in the Senate and 43 in the House, compared to 64 and 81 in 1945. A large part of the difference is probably accounted for by the inclusion of roll calls with over 90 per cent of both parties in agreement, which in many states are very numerous. The party votes (both parties with an index of cohesion of at least 80) formed a high proportion of all votes on which the parties were opposed in both studies. The House figure for this was 69 per cent in both years, but the Senate figure dropped from 81 per cent in 1945 to 64 per cent in 1951. See Keefe, "Parties, Partisanship and Public Policy in the Pennsylvania Legislature." The party vote figures are based on a letter to the writer, January 10, 1955.

sessions, but Republican unity was somewhat greater in 1941, a difference that could have been caused by the closer party margin and the element of Republican gubernatorial leadership in that year.

Among the roll calls on which the parties agreed, the Ohio Republicans showed the expected greater unity in the House, where the figures were quite similar for both sessions. In the Senate, Democratic unity was greater, particularly in the 1945 session.

Illinois. Illinois also has a close balance of large urban and rural areas that has helped to maintain a strong two-party system, particularly since the New Deal period. In the last two decades, the Democratic party has held the govern-

TABLE V. PARTY VOTING IN ILLINOIS LEGISLATURE IN 1949*

	Percentage of Total Roll Calls			
	Senate N = 207		House N = 155	
Parties on Opposite Sides	53 %		54 %	
Index of Cohesion:				
Both parties 80-100	15 %		17 %	
Each party 80-100	Rep. 17 %	Dem. 39 %	Rep. 20 %	Dem. 40 %
40-79	24	7	17	8
0-39	12	7	17	6
Parties on Same Side	47 %		46 %	
Index of Cohesion:				
Rep. 0-79 Dem. 80-100	25 %		34 %	
Rep. 80-100 Dem. 0-79	11		4	
Rep. 0-79 Dem. 0-79	11		8	

* Political composition: Governor—Democrat

Senate—32 Republicans—18 Democrats

House—72 Republicans—80 Democrats

orship ten years and controlled one or both legislative chambers for eight years. The session under study (1949) was the first year of Adlai Stevenson's governorship, after eight Republican years. The Democrats had a narrow grip on the House, but only a respectable minority in the Senate.

This Democratic rebirth may in part explain the outstanding feature in Illinois, the much higher level of party unity among the Democrats than among the Republicans. In general the state ranks close to Ohio in most of the indications of party voting shown in Table V. The proportion of roll calls with the parties opposed is just over half—about average for the eight states. The Democratic level of unity in this group was equally high in both branches of the legislature, with twice as many roll calls with an index of cohesion of at least 80 as in the case of the Republicans.

It is even more striking to compare the number of Senate roll calls where one party had absolute unity—73 for the Democrats and 13 for the Republicans. On more than one-fifth of the Senate roll calls on which the two parties were opposed, the Democratic minority gained enough Republican votes to win.

Welfare issues, taxation, and appropriations made up over half of the bills on which the parties were opposed and only the Democrats had an index of cohesion of at least 80. In the category of roll calls with party agreement, the Democrats showed far more unity, particularly in the House where they had a majority.¹⁰

Washington. The state of Washington has had a close balance of parties, has supported the winning presidential candidate in nearly every election in this century, and like other states with important urban areas has grown more Democratic since the start of the New Deal. The Democratic party has held the governorship for ten of the last twenty years, and has controlled both

TABLE VI. PARTY VOTING IN WASHINGTON LEGISLATURE IN 1945*

	Percentage of Total Roll Calls			
	Senate N = 190		House N = 133	
Parties on Opposite Sides	71 %		51 %	
Index of Cohesion:				
Both parties 80-100	9 %		9 %	
Each party 80-100	Rep. 46 %	Dem. 16 %	Rep. 23 %	Dem. 25 %
40-79	12	42	18	19
0-39	13	13	10	7
Parties on Same Side	29 %		49 %	
Index of Cohesion:				
Rep. 0-79 Dem. 80-100	15 %		26 %	
Rep. 80-100 Dem. 0-79	8		10	
Rep. 0-79 Dem. 0-79	6		13	

* Political composition: Governor—Democrat

Senate—14 Republicans—32 Democrats

House—36 Republicans—63 Democrats

houses for fourteen years, with partial control four years. In the session chosen for study (1945), the Democratic party controlled the governorship and had a comfortable majority in both branches of the legislature.

While in general it may be said that the level of party unity shown in Table VI is above average, it is lower and less consistent in Washington than in larger

¹⁰ William J. Keefe, in a study of the Illinois sessions of 1949 and 1951, concluded that parties played a small role in lawmaking. As in his study of Pennsylvania, this resulted largely from the inclusion of unanimous votes, which averaged two-thirds of the total roll calls in the two Illinois sessions. It also resulted from the inclusion of roll calls on which at least 90 per cent of both parties voted on the same side. His figures show that the total of these roll calls exceeded all other non-unanimous roll calls in 1949. Keefe does not list the total number of roll calls on which the parties were opposed and does not compare the unity level of the two parties. These differences in standards make a comparison of the two sessions difficult, but Keefe did find that roll calls in which the parties were opposed and in which both had a high level of unity dropped from 1949 to 1951, particularly in the House. See Keefe, "Party, Government and Lawmaking in the Illinois General Assembly." The comparison is also based on the previously-mentioned letter to the writer.

industrial states studied, mainly because of great differences in party unity in the Senate. In the House the percentage of roll calls with the parties opposed is about average, but both parties have somewhat lower than average levels of unity. The Senate percentage of disagreed votes—71 per cent—is one of the highest, and within this group the Republican party showed much more unity in voting than the Democrats. Only in Massachusetts and Illinois were there such marked differences between the unity levels of the two parties within this category of votes. Washington is the only state in which the Republicans in either house surpassed the Democrats in unity by such a large margin. With regard to those roll calls on which the parties agreed, we find, as we might expect, a higher level of unity in the majority Democratic party.

Missouri. Missouri has had a close balance of parties and since 1904 has supported every winning presidential candidate; in state politics, however, it has been heavily Democratic. In the last two decades the Democratic party has controlled the governorship sixteen years, with the legislature Democratic in ten of these years, Republican in four, and divided in two. During the four years of Republican governorship the legislature was Democratic for two years and divided for the other two. During the session under study, which lasted through 1945 and 1946, the governor was Democratic and the legislature Republican by small margins in both chambers. Missouri, like Massachusetts, requires that all bills be reported out by committees, and hence a study of roll calls provides a particularly good test of total party influence.

Despite the close party competition in the state, and the close balance in this legislative session, Missouri parties exhibited less unity in voting than those in any other state in this survey. The proportion of votes with the parties opposed was the lowest, being less than one out of four in the Senate, as shown in Table VII. In both chambers the majority Republicans displayed more unity than the Democrats in this respect, suggesting that the influence of the Democratic governor over his party's voting was not strong. Contrary to our expectations, both parties displayed less unity in the Senate, where the Republican margin was only four; the Senate Democrats maintained the lowest level of unity discovered in this survey. When the two parties were in agreement, which was rather often, the majority Republican party showed a considerably higher level of unity than the minority Democrats in both chambers.

Colorado. Colorado has long had a close balance of parties. There has been a Republican governor for twelve of the last twenty years, eight with a Republican legislature, four with a divided legislature. During the eight Democratic gubernatorial years, control of the legislature was Democratic in four years, Republican in two, and divided in two. The two years under study are 1941, with a Republican governor and a divided legislature, and 1947, with a Democratic governor and a Republican legislature.

Table VIII shows that the general level of party unity was low. The proportion of roll calls with the parties on opposite sides was low in both sessions and surpassed only that in Missouri. Likewise within that category the level of party unity was the lowest in any state except Missouri. On these roll calls in

TABLE VII. PARTY VOTING IN MISSOURI LEGISLATURE IN 1945-1946*

	Percentage of Total Roll Calls			
	Senate N = 123		House N = 284	
Parties on Opposite Sides	23%		36%	
Index of Cohesion:				
Both parties 80-100	1%		9%	
Each party 80-100	Rep. 8%	Dem. 3%	Rep. 17%	Dem. 13%
40-79	5	7	12	11
0-39	10	13	7	12
Parties on Same Side	77%		64%	
Index of Cohesion:				
Rep. 0-79 Dem. 80-100	17%		15%	
Rep. 80-100 Dem. 0-79	33		30	
Rep. 0-79 Dem. 0-79	27		19	

* Political composition: Governor—Democrat

Senate—19 Republicans—15 Democrats

House—81 Republicans—69 Democrats

1941 both majority parties—the Senate Democrats and the House Republicans—displayed slightly more unity than the minority parties. In 1947, under a Democratic governor, the minority Democrats showed slightly more unity

TABLE VIII. PARTY VOTING IN COLORADO LEGISLATURE IN 1941 AND 1947*

	Percentage of Total Roll Calls			
	Senate N = 198		House N = 147	
Parties on Opposite Sides	36%		38%	
Index of Cohesion:				
Both parties 80-100	6%		7%	
Each party 80-100	Rep. 10%	Dem. 14%	Rep. 16%	Dem. 15%
40-79	12	14	11	11
0-39	14	8	11	12
Parties on Same Side	64%		62%	
Index of Cohesion:				
Rep. 0-79 Dem. 80-100	31%		23%	
Rep. 80-100 Dem. 0-79	20		24	
Rep. 0-79 Dem. 0-79	13		15	

* Political composition: 1941 Governor—Republican

Senate—17 Republicans—18 Democrats

House—37 Republicans—28 Democrats

1947 Governor—Democrat

Senate—27 Republicans—8 Democrats

House—46 Republicans—19 Democrats

than the Republicans in both branches, and there was more party unity generally in the House than in the Senate.

In the category of roll calls with the parties on the same side, the general rule of greater unity in the majority party applied only to the 1941 Senate (where the majority was very small) and the 1947 House (where the majority was very large). The opposite result was found in the 1941 House, and the two parties were even in the 1947 Senate.

Summary of Party Voting. Table IX, which summarizes the results of this study, presents no clear picture of consistently higher levels of unity among either majority or minority party, Democratic or Republican, except on roll

TABLE IX. SUMMARY OF PARTY VOTING IN AMERICAN STATE LEGISLATURES

State Legislature		% Roll Calls Out of Total		% Roll Calls of Those with Parties Opposed		% Roll Calls of Those with Parties Same Side*	
		Parties Opposed	Parties Opposed Both with 80 Cohesion Index	80 Cohesion Index Majority	80 Cohesion Index Minority	80 Cohesion Index Majority	80 Cohesion Index Minority
Mass.	S	93 %	38 %	R 45 %	D 80 %	Negligible	
	H	93	40	R 52	D 73	Negligible	
New York	S	62	32	R 68	D 64	R 72 %	D 28 %
	H	61	34	R 73	D 70	R 44	D 56
Penna.	S	64	52	R 88	D 91	R 65	D 35
	H	81	56	R 79	D 76	R 68	D 32
Ohio	S	49	23	R 75	D 59	R 36	D 64
	H	38	15	R 65	D 50	R 76	D 24
Illinois	S	53	15	R 33	D 74	R 31	D 69
	H	54	17	D 74	R 36	D 90	R 10
Wash.	S	71	9	D 23	R 65	D 66	R 34
	H	51	9	D 48	R 44	D 73	R 27
Missouri	S	23	1	R 32	D 11	R 66	D 34
	H	36	9	R 49	D 38	R 67	D 33
Col. 1941	S	34	5	D 39	R 30	D 70	R 30
	H	42	5	R 39	D 30	R 43	D 57
1947	S	38	8	R 29	D 37	R 50	D 50
	H	35	11	R 43	D 52	R 61	D 39

* Roll calls on which neither party had a cohesion index of 80 or more are excluded from these two columns.

calls which found the parties in agreement. On these votes we have found a higher level of unity in the majority party, which in many states achieved a cohesion index of at least 80 twice as often as did the minority party. When there is only limited dissent to a bill, concentrated in one party, that party is usually the minority party. The few exceptions shown in Table IX follow no clear pattern. It might be expected that if the minority party ever displayed greater unity on these issues it would be when it controlled the governorship. This would seem to explain the greater Senate Democratic unity in Illinois and in one Ohio session, but certainly not the other examples of minority unity, in New York and Colorado.

Far more interesting and more important is the summary of roll-call voting on questions that led the parties to take opposite sides. Here the legislative bodies with greater majority party and minority party unity almost balance out, as do the examples of greater Democratic and Republican unity. The Republicans are more often united in the majority and the Democrats more often in the minority, but only because the Republicans controlled most of the legislatures examined. In the 1947 Colorado session and the 1949 Illinois session the greater Democratic unity probably reflects loyalty to the Democratic administration, but similar loyalty was notably absent among the Missouri Democrats and the Massachusetts Republicans. In Washington the disunity among the majority Democratic party in the Senate was due to a small bloc of senators who generally voted with the Republicans. The parties shared nearly equally in the high level of unity evident in New York and Pennsylvania.

Table IX shows that the states under study can be divided into three groups according to the level of partisanship in the legislature of each. The highest level is in Pennsylvania, New York, and Massachusetts. There is a lower level in the second group, Ohio, Illinois, and Washington, with wide variations between the parties in the latter two states. The lowest level of unity is found in Colorado and Missouri. These differences suggest that, among states with a relatively vigorous two-party system, a higher degree of party voting does not result primarily from more intense party competition. We must assume that continuing one-party monopoly of the governorship and a large legislative majority diminish the party influence over legislative voting. The three states with the highest levels of party unity, however, are ones with long records of Republican legislative control, with only a few Democratic years, while the Democrats frequently held large legislative minorities and (except in Pennsylvania) won control of the governorship quite often. The balance between the parties in recent years appears to have been closer in Missouri and Colorado, the two states with the lowest levels of unity. Clearly partisan influences are more pronounced in the legislatures of the larger, more urban, and more industrial states, and not so pronounced in states with smaller and less urban populations, such as Missouri and Colorado, and to some extent Washington.¹¹

¹¹ By comparison, Professor Lowell's study in 1901, which used virtually the same criteria as this study, showed high party unity in New York, less in Ohio and Illinois, and

The Urban-Rural Factor in Party Voting. One factor leading to greater party voting in states with a higher urban concentration is that in most of these states party strength follows more consistently an urban-rural division. In the larger urban states the parties represent more clearly defined groups of interests, with the Democrats coming mainly from the largest cities and metropolitan areas, and the Republicans more representative of the smaller cities and rural areas.¹² In the more rural states, such as Washington and particularly Missouri and Colorado, which have less party voting, both Democratic and Republican legislative strength is widely scattered throughout the state, although the Democrats tend to dominate the few larger cities. In these states the parties are less representative of distinct interest groups, and shifting coalitions of sectional interests are likely to have more influence over legislative voting. An examination of the individual states shows a rough correlation between a high level of party voting and a clear urban-rural alignment of the two parties. It also shows that on many occasions when one party is considerably more homogeneous than the other—whether it is largely urban or rural—it has also more voting cohesion.

The clearest examples of party division along urban-rural lines are found in the three states with highest party voting. In New York, 98 per cent of the Democrats and 34 per cent of the Republicans in both branches of the legislature for the years studied came from New York City and the counties containing four of the largest cities. In Massachusetts, 87 per cent of the Democrats and 36 per cent of the Republicans came from Boston and thirteen of the largest cities. In Pennsylvania, 79 per cent of the Democrats and 41 per cent of the Republicans came from the counties containing Philadelphia, Pittsburgh, and nine of the other largest cities. Despite the extremely high homogeneity of the New York Democrats, the Republicans, split between New York City and upstate, had somewhat greater unity. In contrast the Massachusetts Democrats, largely from big cities, exceeded the geographically divided Republicans in unity. In Pennsylvania, the Democrats were somewhat more homogeneous, but the Republicans equalled them in unity.

Although Ohio lagged well behind the first three states in party voting, it had almost as much party homogeneity. There 75 per cent of the Democrats came from the counties containing Cleveland and eleven of the next largest cities

very little in Massachusetts and Pennsylvania. He noted that only these latter two states had large and consistent Republican majorities.

The parties took opposite sides in about one-half of the roll calls in three states, and in somewhat more than half in Massachusetts and New York. The percentage of party votes (the parties opposed and both with a cohesion index *over* 80, by his standard) was 23 and 45 in the New York Senate and House, 15 and 10 in the Ohio Senate and House, 13 in the Illinois House, and from one to six in the other legislative bodies. The Democrats had much more unity than the Republicans in Massachusetts, somewhat more in New York, Pennsylvania, and Ohio, and less in Illinois. See Lowell, "The Influence of Party upon Legislation in England and America."

¹² For the sake of convenience and brevity this "metropolitan and big city versus small city and rural" alignment is described in this paper as urban-rural.

but the remainder were well scattered, while 33 per cent of the Republicans came from these big-city areas, none of them from Cleveland. The more homogeneous Republicans had more voting cohesion.

Illinois had as much voting discipline as Ohio, and more in the Democratic party, although the cumulative voting system gave each party at least one of the three members in each representative district in the state. The counties containing Chicago and the next five largest cities included 56 per cent of the Democrats and 39 per cent of the Republicans.

In Washington the Democrats, who were the weaker of the two parties in voting discipline, had half of their representation in the counties containing the three largest cities, where the Republicans had 39 per cent of their strength. The remaining Democrats were widely scattered in the state.

In Colorado and Missouri, states with the lowest voting cohesion, about 40 per cent of the Democratic strength lay in counties containing the two or three largest cities. But the lack of more large cities resulted in the remainder of Democratic legislative strength being widely dissipated, particularly in Missouri, where it was spread among 42 other counties. Only one-fourth of the Colorado Republicans and a negligible proportion of the Missouri Republicans represented these few big-city areas.

Disunity in a party with widely scattered representation would logically be caused by dissenting legislators representing areas where the party is not dominant. Studies of individual voting records on selected issues in Illinois and Washington suggest the extent to which this is true. In Illinois twenty roll calls in the Senate and thirteen in the House, covering a variety of issues, were selected; on these Republican cohesion was considerably lower than Democratic. (Examples of the opposite situation were too few for useful comparison.) Among the Republican Cook County senators and representatives, 54 per cent voted against their party on at least 30 per cent of the roll calls. Of the rest of the Republicans, only 22 per cent showed this degree of independence. Among the downstate Republican dissenters only a few came from big-city districts or predominantly Democratic areas.

In Washington the low level of Democratic cohesion in the Senate was directly attributable to a remarkably tight-knit bloc of nine Democratic senators, generally referred to in the press as the "conservative Democrats." On 16 selected issues, these nine senators each joined the Republican side in 11 or more cases; no other Democratic senator left the fold on more than two of these roll calls. Although Democratic unity was greater in the House, it is possible to distinguish 17 representatives who voted somewhat frequently with the Republican party. Out of this group of 26 senators and representatives, only three were among the 29 Democrats from the cities of Seattle and Tacoma where the party was strongest. The proportion of rebellious Democrats was one-third in the remaining, less urbanized parts of the western section of Washington which the Democrats dominated, and nearly one-half in the Republican-dominated eastern section, which included one large Democratic city.

These two small-scale examples cannot provide any definite rule, nor can

the somewhat irregular correlation of voting discipline and party homogeneity provide an absolute formula for party unity. One cannot ignore factors of gubernatorial and other party leadership and the changing pattern of political controversies. However, larger and more urbanized states do appear to have produced a pattern in which parties reflect urban-rural rather than merely sectional divisions and have therefore achieved greater cohesion in legislative voting. This affects both parties although generally only the Democrats have markedly greater homogeneity in the more urbanized states.

TABLE X. PARTY VOTING ON SPECIFIC ISSUES IN AMERICAN STATE LEGISLATURES

Type of Issue	Number of Party Votes*	% of Party Votes* out of Total Roll Calls on Issue
Elections and Reapportionment	65	44%
Appointments	12	44
National Issues	12	44
Labor	52	41
Appropriations	68	38
Legis. Procedure & Organization	47	37
Taxation	62	29
Veterans Affairs	8	28
Welfare, Health, Education	79	22
Civil Service	28	21
State Administration	16	19
Local Administration	15	14
Judicial and Legal	21	11
Business Regulation	14	6
Other Issues	84	11
	Total 583	Average 21%

* Party votes are those on which the parties are opposed and both have an index of cohesion of at least 80.

This demonstrated effect of the urban-rural division on party cohesion makes imperative a statistical breakdown of the roll calls by the type of issue involved, in order to determine whether in some or all states there is more voting by party on certain types of issues, such as those closely related to the urban-rural conflict of interests.

Party Voting and Issues. Table X shows a breakdown of the roll calls into fourteen categories most often productive of party votes. The number of party votes (the two parties opposed, each with a cohesion index of 80 or more) is shown for each, together with the percentage of party votes out of the total number of votes on the issue. Bills governing elections, labor, appropriations and taxation, and questions of legislative organization and procedure gave rise to the most active party voting. These five issues, with which 29 per cent of all votes in the legislature were concerned, constituted just over 50 per cent of the

party votes. Confirmation of appointments, resolutions on national issues, and veterans legislation were issues that seldom came up but commanded a high percentage of party votes. There were many party votes on welfare bills (including those dealing with health and education) but they represented only an average percentage of the large total of bills of this sort.

The higher level of party voting in urban states could reflect greater party unity on certain types of issues in two ways. The most partisan issues might arise more often in urban states; or party cohesion might be particularly high on these issues in the urban states. Although too detailed analysis would founder on the limited totals available from a few legislative sessions, a breakdown of total votes and party votes by issue and state gives evidence of both of these trends.

In some urban states many election and reapportionment bills were voted on, but there were fewer such bills in other states, including Missouri and Colorado. Most urban states had a high proportion of party votes on these issues, but Missouri and Colorado did not.

Taxation and appropriations together gave rise to a large number of votes in all of the states examined except Massachusetts. These issues might be expected to cause a high level of party voting in all states, since they are essential to the prestige and success of any administration. In the four urban states other than Massachusetts these two issues resulted in a high level of party voting, but in Missouri, Colorado, and Washington the number of party votes was negligible—only four out of a total of 150 roll calls on these issues.

Questions of legislative procedure and organization came up fairly regularly in most states. These are questions of narrow party interest, and it is not surprising that the percentage of party votes on them was uniformly high.

There were a substantial number of labor bills voted on in all states except Illinois, Missouri, and Washington. In the urban states these led to a generally high proportion of party voting, but in rural Colorado, which had more roll calls on labor bills than any other state, only four of the 31 were party votes. Labor bills in the various states resulted in many roll calls with a high level of unity for one of the parties but not both.

Welfare issues (including health and education) came up frequently in every state except Pennsylvania; the proportion of party votes on these issues was moderately high—from 22 to 53 per cent in the five urban states. But in Washington, Colorado, and Missouri party votes averaged only four per cent of the total number of welfare bills. In most of the urban states, particularly Massachusetts and Illinois, this was one of the issues on which the Democrats most frequently displayed greater unity than the Republicans; in Washington the reverse was the case. These are the three states, incidentally, with the greatest difference in unity between the parties.

Appointments, national issues, and veterans affairs came up too infrequently to permit a meaningful breakdown, but both urban and rural states usually showed a relatively high proportion of party votes whenever any of these issues arose several times.

The remaining categories that have been treated separately—state and local administration, legal and judicial affairs, civil service, and business regulation—covered a significant proportion of the total roll calls, each of them being numerous in most states. The level of party voting on these issues was generally low, varying less from state to state than more partisan issues; it was highest, however, in Pennsylvania, Massachusetts, and New York.

We conclude that the more partisan issues did arise somewhat more often in the large urban states. But the higher party voting record in these states was primarily a direct result of much more party cohesion on those very partisan issues.

In general it may be said that the issues most significant for party voting fall into three classifications: those which involve rather narrow party interest—election laws and the legislature; those which involve the basic policy and prestige of the administration and are therefore sensitive to party pressure—appropriations, taxes, and appointments; and those which involve social and economic issues and reflect national liberal-conservative party alignments—labor, welfare, and most national issues.

William J. Keefe has emphasized that the political parties in Pennsylvania and Illinois have quite narrow interests, comparable to those of other pressure groups; these interests occasioned a substantial proportion of the party votes in the legislature, which he estimated at about one-fourth in Pennsylvania.¹³ These interests may not always be evident on the surface, but may motivate votes on appointments, local and state administration, and judicial organization, as well as those on elections and legislative organization. Votes on matters as crucial to the administration as taxes and appropriations may reflect party pressure for favors. There needs to be more study of the motivation for high party unity on such issues in the various states.

The highly partisan character of social and economic issues in the larger, urban states suggests that party systems in some of these states not only are strong but reflect to a considerable extent the liberal-conservative, urban-rural alignment of the national parties. It is frequently argued that party voting in the state legislatures is low because "the two major parties are divided mainly on national issues that do not figure greatly in the politics of the states."¹⁴ It is likely that this premise holds true for fewer states than it once did.

We have already noted that in the larger, urban states under study the Democratic legislators were identified with large metropolitan areas and the Republicans with smaller cities and rural areas; this is the familiar pattern of national politics outside of the South. In the Northern industrial states the New Deal not only reinvigorated the two-party system at the state level, but also may have been instrumental in developing a pattern of state party interests similar to that on the national level. The state Democrats, like the national Democrats, probably more often champion pro-labor legislation, larger welfare

¹³ See Keefe, "Parties, Partisanship and Public Policy in the Pennsylvania Legislature," and "Party Government and Lawmaking in the Illinois General Assembly."

¹⁴ See *American State Legislatures*, pp. 189-92.

benefits, and greater control over business. A large proportion of the issues arising at the state level are similar to those which dominate domestic national politics. Although more comprehensive research is necessary on the pattern of state legislative voting and the sources of state party strength, it seems reasonable to conclude that in our larger, more urbanized states the partnership of national and state parties is not so illogical as is often claimed.

CONCLUSIONS

1. In many of the American states with a strong two-party system, during sessions when party balance in the legislature is not one-sided, partisan considerations influence to a significant degree the legislative voting on issues about which there is some measure of disagreement.

2. Among these states with two strong parties, those with the most intense party competition are not necessarily those with the highest levels of party voting.

3. Neither the majority nor minority party, the Republican nor the Democratic, demonstrates consistently higher cohesion than its opponent in voting on issues which find a majority of the two parties opposed to each other.

4. Dissenters in a vote on which the majority of both parties agree are more frequently found in the minority party.

5. Legislative voting records suggest that the effectiveness of the governor in inducing unity in his party varies greatly from state to state.

6. The degree of party voting appears to be significantly higher in those two-party states which are larger and more urban. In these states more than in rural states the Democratic party represents the big-city, metropolitan areas, and the Republican party the smaller cities and rural districts.

7. The most partisan issues in the legislatures of all states, and particularly the large, urban states, involve narrow party interests, the prestige and fiscal program of the administration, and economic and social issues.

8. This record suggests that in the large industrial states, where the two-party system has been invigorated by national political forces which the New Deal unleashed, a high level of party voting in the legislature results from party alignments which have largely followed the liberal-conservative, urban-rural pattern of national politics.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN AMERICAN UNIVERSITIES*

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I. DISSERTATIONS IN PREPARATION

POLITICAL PHILOSOPHY AND PSYCHOLOGY

Gilbert Abcarian, Political Implications of Art. *California* (Berkeley).

Fred Ablin, George Plekhanov and the "Iskra" Period. *Columbia*.

Minoo Adenwalla, Political Philosophy of the Indian National Movement. *Northwestern*.

Albert Alexander, Impact of U.S. on Revolutionary Ideas in Europe, 1830-1848. *New School*.

Moses J. Aronson, History of Legal Thought in America. *New School*.

Justin Atkinson, The Political Thought of L. T. Hobhouse. *California* (Berkeley).

Robert D. Barendsen, The Chinese Communist Germ Warfare Propaganda, 1952-1953. *Yale*.

* Similar lists have been printed in the REVIEW as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930); XXV, 798 (1931); XXVI, 769 (1932); XXVII, 680 (1933); XXVIII, 766 (1934); XXIX, 713 (1935); XXX, 811 (1936); XXXI, 772 (1937); XXXII, 796 (1938); XXXIII, 732 (1939); XXXIV, 767 (1940); XXXV, 752 (1941); XXXVI, 734 (1942); XXXVII, 706 (1943); XXXVIII, 766 (1944); XXXIX, 799 (1945); XL, 775 (1946); XLI, 754 (1947); XLII, 759 (1948); XLIII, 787 (1949); XLIV, 689 (1950); XLV, 779 (1951); XLVI, 819 (1952); XLVII, 811 (1953); XLVIII, 793 (1954).

Items which appeared in the September, 1954 list are in general classified under the same headings in the present list, and new items have been assimilated to the 1954 classification as far as possible. In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. Each item is listed under one classification only.

The lists printed in the REVIEW are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Current Research Projects in Public Administration" (reported to Public Administration Service), the most recent edition of which appeared in

1951; "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review*; "List of Doctoral Dissertations in History Now in Progress," published annually by the Division of Historical Research of the Carnegie Institution through 1938, and since then by the American Historical Association, as supplements to the *American Historical Review* (1940 and 1941), as Vol. III of its Annual Report (1941), and as separate publications (1947, 1949 and 1952); and "Doctoral Dissertations in Sociology," in the *American Journal of Sociology*. Consult also the "External Research List," published by the Office of Intelligence Research, Department of State. These are in addition to the "List of American Doctoral Dissertations Printed in 1938," the most recent of an annual series published by the Library of Congress; and Arnold H. Trotter and Marian Harman, "Doctoral Dissertations Accepted by American Universities 1952-53," the twentieth of a series beginning in 1933-34, compiled for the Association of Research Libraries. Consult, for other lists, T. R. Palfrey and H. E. Coleman, Jr., "Guide to Bibliographies of Theses, United States and Canada" (Chicago, American Library Association, 2nd ed., 1940).

Abstracts of some of the theses listed as completed may be found in "Dissertation Abstracts," published bi-monthly by University Microfilms, Ann Arbor, Michigan.

† Prepared with the assistance of Miss Tania Chirikov.

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- Laurence Berns, *The Political Philosophy of Francis Bacon with Special Attention to the Principles of Foreign Policy*. *Chicago*.
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- Vincent Chen, *Chinese Communism: Mao Tse-tung's Ideology*. *Yale*.
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- Jules Cohn, *The Political Theory of Lester Frank Ward*. *Rutgers*.
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- David W. Barkley*, Problems of the Aging Population and the Role of Government. *Harvard*.
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- Ray W. Bronez*, Interest Groups and Public Housing. *Chicago*.
- Edmund B. Brownell*, A Study of the Interaction between the Department of the Treasury and the Committee on Ways and Means of the House of Representatives. *Michigan*.
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- Juliane von K. Valentin, German-Japanese Relations in the Period between the Two World Wars. *Pennsylvania*.
- Teimoor Vaziri, The Economic Relations of Iran and America since World War II. *New York University*.
- Charles W. Vear, Organized Labor and the Tariff. *Fletcher School*.
- G. Hans Voelkel, Discrimination Against Aliens in International Law. *Columbia*.
- Kalman von Voros, The Origins of the Munich Pact of 1938. *Georgetown*.
- Lawrence Wadsworth, The International Military Tribunal for the Far East: Trial of Major Japanese War Criminals. *American*.
- David Warren, Munitions, Production and Export in Relation to American Foreign Policy, 1914-1936. *Fletcher School*.
- Paul Weaver, Soviet Interference in the Government of Iran, 1941-1951. *American*.
- James L. Weber, The Development of the Foreign Policy Objectives of the British Labor Party, 1919-1939. *Fletcher School*.
- Melvin A. Weightman, The Present Status of the Concept of Self-Defense in International Law. *Pennsylvania*.
- Guenther Weissberg, The International Personality of Entities other than Independent States. *Columbia*.
- John E. Westburg, General Theory and Practice of Modern Federalism. *Southern California*.
- Alan Furman Westin, American Diplomatic Relations with the Vatican. *Harvard*.
- Harold B. Whiteman, Norman H. Davis and the Functional Approach to Collective Security. *Yale*.
- Donald J. Whitney, Developments in the Field of International Law in the U.N. *American*.
- Ponnambalam Wignaraja, The Conflict between Economic Rationality and Cultural Values: An Analysis of Four Policies for Increasing the Availability of Domestic Savings for Developmental Needs. *Yale*.
- Robert Wilfong, UNRRA and Displaced Persons. *Harvard*.
- Haydn Williams, Air Power and American Foreign Policy: The Berlin Air Lift. *Fletcher School*.
- Maurice J. Williams, The Problem of Economic Integration in Western Europe. *Chicago*.
- Ann R. Willner, Problems in Agricultural Production for the Domestic Market in Venezuela. *Chicago*.
- Martin W. Wilmington, Regional Cooperation for Supply and Development in the Middle East During World War II (The Middle East Supply Center). *New York University*.
- Kurt Wimer, United States Executive-Legislative Tensions in Relation to the League of Nations Covenant and the United Nations Charter. *New York University*.
- Harry Winkler, The Political Orientation of Israel in the Struggle between East and West. *Chicago*.
- Gregory B. Wolfe, The Montevideo Conference, 1933: Reactions of the North and South American Press to Foreign Policy of the United States. *Fletcher School*.
- Thomas W. Wolfe, Soviet Leadership. *Georgetown*.
- Klaus Wolff, Pioneer Entrepreneurs in Industry: A Study in the Sociology of Industrialization. *Chicago*.
- Claude Woltz, Bloc Action in the United Nations. *New York University*.
- Wah Wong, The Problem of 'Self-Determination' in the United Nations. *New York University*.
- Herbert H. Wood, Jr., International Supervision of Colonial Administrative Unions. *Columbia*.
- Theodore P. Wright, Jr., American Support of Free Elections Abroad. *Yale*.
- David Wurfel, The Bell Report and After: A Study in the Political Problems of Social Reform through Foreign Aid. *Cornell*.
- Stephen G. Xydis, The Armed Forces and the Psychological Strategy of the Great Powers in Greece, 1944-1947. *Columbia*.
- Agnes Hwun-giat Yao, Comparison of Mandates and Trusteeship. *Chicago*.
- Abraham Yeselson, American-Persian Relations, 1883-1918. *Brown*.
- Tien-Cheng Young, The Use of Scientific Management Concepts in International Administration. *New York University*.
- William I. Zartman, A Study of Neutralism in France since World War II. *Yale*.
- Rev. Erwin W. Zinger, Korea As a Test of the Effectiveness and Validity of the Concept of Collective Security. *Pennsylvania*.

II: DISSERTATIONS COMPLETED SINCE THE LAST LISTING

POLITICAL PHILOSOPHY AND PSYCHOLOGY

Robert P. Boynton; B.A., Calvin, 1949; M.A., Michigan, 1951; Ph.D., *ibid.*, 1955. The Political Philosophy of George Santayana. *Michigan*.

Donald W. Brandon; A.B., California (Berkeley), 1949; M.A., *ibid.*, 1950; Ph.D., *ibid.*, 1954. A Thomistic Conception of the Welfare State. *California* (Berkeley).

Karl H. Cerny; B.A., Princeton, 1945; M.A., Yale, 1948; Ph.D., *ibid.*, 1955. Catholic Social Thought in the United States. *Yale*.

Samuel Cook; A.B., Morehouse College, 1948; M.A., Ohio State, 1950; Ph.D., *ibid.*, 1954. Ethical Foundations of Democracy. *Ohio State*.

David Cooperman; B.A., Minnesota, 1947; M.A., *ibid.*, 1948; Ph.D., *ibid.*, 1954. Power, Force, and Violence: An Examination of Traditional and Revolutionary Aspects of Political Theory in the Light of a Hypothesis of Limits to Action. *Minnesota*.

James Bayrs; A.B., Toronto, 1948; A.M., Columbia, 1950; Ph.D., *ibid.*, 1954. The Political Ideas of Thomas Spence. *Columbia*.

Murray B. Levin; A.B., Harvard, 1947; A.M., Columbia, 1948; Ph.D., *ibid.*, 1955. Thomas Hodgskin, A Study in the Development of Ricardian Socialism. *Columbia*.

Donald K. McKee; A.B., North Carolina, 1937; M.S.S., New School for Social Research, 1939; Ph.D., Columbia, 1955. The Intellectual and Historical Influences Shaping the Political Theory of Daniel de Leon. *Columbia*.

Edward N. Megay; Law Degree, Academy of Law, Kecskemét, 1943; Ph.D., Georgetown, 1955. The Political Philosophy of Henrich von Treitschke. *Georgetown*.

Abelardo Patino; B.S., Northwest Missouri State Teachers College, 1949; Ph.D., American, 1955. The Political Ideas of the Liberal and Conservative Parties in Colombia during the 1946-1952 Crisis. *American*.

Truman A. Potter; B.A., Minnesota, 1939; M.A., *ibid.*, 1949; Ph.D., *ibid.*, 1954. Some Recent American Criticisms of Liberalism. *Minnesota*.

John H. Schaar; A.B., California (Los Angeles), 1950; M.A., *ibid.*, 1952; Ph.D., *ibid.*, 1954. An Inquiry Into the Principles of

Political Loyalty in America. *California* (Los Angeles).

Judith Nisse Shklar; B.A., McGill University, 1949; M.A., *ibid.*, 1950; Ph.D., Harvard, 1955. Fate and Futility: Two Themes in Contemporary Political Theory. *Harvard*.

Stanley Thames; A.B., Mississippi, 1949; A.M., *ibid.*, 1950; Ph.D., Duke, 1955. An Analysis of Representative Ideological Criticism of the United Nations Educational, Scientific, and Cultural Organization in the United States, 1946-1954. *Duke*.

John F. Wallerstedt; B.A., Rockhurst College, 1942; M.A., Georgetown, 1950; Ph.D., *ibid.*, 1952. The Political Thought of Henry Jones Ford. *Georgetown*.

GOVERNMENT AND POLITICS OF THE UNITED STATES AND ITS DEPENDENCIES

Edward M. Bernshtein; B.A., Chicago, 1941; J.D., *ibid.*, 1949; M.A., *ibid.*, 1953; Ph.D., *ibid.*, 1955. The Bricker Movement to Amend the Constitution. *Chicago*.

William Buchanan; A.B., Washington & Lee, 1941; M.A., Princeton, 1951; Ph.D., *ibid.*, 1955. Partisanship and Presidential Voting in 1952. *Princeton*.

Harold W. Chase; A.B., Princeton, 1943; M.A., *ibid.*, 1948; Ph.D., *ibid.*, 1954. Controlling Subversive Activities. *Princeton*.

Joseph E. Dougherty, Jr.; B.A., St. Charles Seminary, 1944; M.A., Georgetown, 1948; Ph.D., *ibid.*, 1955. The Genesis of the Social Security Act of 1935. *Georgetown*.

Thomas P. Emerich; B.A., Kansas, 1929; M.B.A., Pennsylvania, 1940; Ph.D., Georgetown, 1955. The United States' Shipbuilding Industry and National Policy. *Georgetown*.

Lawrence Howard Fuchs; B.A., New York University, 1950; Ph.D., Harvard, 1955. The Political Behavior of American Jews. *Harvard*.

Irving Howards; B.A., Wisconsin, 1949; M.A., *ibid.*, 1950; Ph.D., *ibid.*, 1955. The Influence of Southern Senators on American Foreign Policy from 1939 to 1950. *Wisconsin*.

Clifford Ketzler; A.B., California (Los Angeles), 1942; M.A., California (Berkeley), 1947; Ph.D., *ibid.*, 1955. Exchange of Persons and Foreign Policy: The Foreign Leader Program of the Department of State. *California* (Berkeley).

- David D. Levine; A.B., Wisconsin, 1938; M.A., *ibid.*, 1940; Ph.D., American, 1955. The Executive Order: A Form of Presidential Participation in the Legislative Process. *American*.
- S. D. Lovell; B. S., Tennessee, 1939; M.A., Georgia, 1947; Ph.D., Ohio State, 1954. The Presidential Campaign of 1916. *Ohio State*.
- John C. Lowe; B.A., State University of Iowa, 1951; M.A., *ibid.*, 1953; Ph.D., *ibid.*, 1954. New Deal Democracy: Its Impact on American Democratic Processes. *Iowa*.
- Ira C. Polley; B.A., Indiana, 1938; Ph.D., Minnesota, 1954. Wage Stabilization Program in Region Eight: A Case Study. *Minnesota*.
- George Robinson; A.B., New York University, 1948; A.M., *ibid.*, 1950; Ph.D., *ibid.*, 1954. The Development of the Senate Committee System. *New York University*.
- Robert A. Shanley; B.A., Columbia, 1946; M.A., *ibid.*, 1948; Ph.D., Georgetown, 1955. The League of Women Voters—A Study of Pressure Politics in the Public Interest. *Georgetown*.
- Edgar L. Shor; B.A., Pittsburgh, 1938; M.A., Chicago, 1948; Ph.D., *ibid.*, 1953. The Political Role of the Secretary of Labor. *Chicago*.
- Rhoden A. Smith, Jr.; A.B., Kansas, 1946; M.A., *ibid.*, 1948; Ph.D., California (Berkeley), 1955. Majority Rule in American Theory and Practice. *California* (Berkeley).
- Robert C. Spencer; B.A., Chicago, 1943; M.A., *ibid.*, 1952; Ph.D., *ibid.*, 1955. The Steel Dispute of 1952: A Case Study in the Politics of Collective Bargaining. *Chicago*.
- Virgil Stroud; B.S., A & T College of North Carolina, 1937; A.M., New York University, 1952; Ph.D., *ibid.*, 1954. Congressional Investigations of the Conduct of War. *New York University*.
- Robert W. Van de Velde; B.S., Princeton, 1933; M.P.A., *ibid.*, 1952; Ph.D., *ibid.*, 1954. The Role of U.S. Propaganda in Italy's Return to Political Democracy, 1943–1948. *Princeton*.
- John P. Vloyantes; B.S., Western State College, 1943; M.S., Utah, 1949; Ph.D., *ibid.*, 1954. Edward R. Stettinius, Jr., As Secretary of State. *Utah*.
- CONSTITUTIONAL AND ADMINISTRATIVE LAW IN THE UNITED STATES
- Barton Bean; B. A., Buffalo, 1942; Ph.D., Cornell, 1955. The American Civil Liberties Union: History and Analysis. *Cornell*.
- Alfonso J. Beitzinger; Ph.B., Marquette, 1940; M.A., Chicago, 1947; Ph.D., Wisconsin, 1954. Chief Justice Ryan of Wisconsin Supreme Court. *Wisconsin*.
- Moshe Eliash; B.A., Oxford University, 1951; Ph.D., Cornell, 1955. A Government of Men: An Analysis of the Discretionary Powers Delegated to the Executive. *Cornell*.
- Charles W. Engelland; B.A., Kansas State College, 1948; M.A., State University of Iowa, 1949; Ph.D., *ibid.*, 1954. The Bricker Amendment. *Iowa*.
- Howard I. Forman; B.S., St. Joseph's, 1937; LL.B., Temple, 1944; A.M., Pennsylvania, 1949; Ph.D., *ibid.*, 1955. United States Patent Ownership Policy and Some of its Administrative Implications. *Pennsylvania*.
- Milton Greenberg; B.A., Brooklyn, 1949; M.A., Wisconsin, 1950; Ph.D., *ibid.*, 1955. The Loyalty Oath in the American Experience. *Wisconsin*.
- Martin B. Hickman; B.S., Utah, 1951; M.A., *ibid.*, 1952; Ph.D., *ibid.*, 1954. Utah Constitutional Law. *Utah*.
- Harry S. Manley; A.B., Westminster College, 1942; LL.B., Pittsburgh, 1945; Ph.D., Duke, 1955. The Extension of Federal Criminal Jurisdiction in the United States, 1910–1954: A Study in Federalism. *Duke*.
- Lawrence Noble; A.B., Mississippi, 1950; M.A., Duke, 1953; Ph.D., *ibid.*, 1955. The Registration of Subversives in the United States. *Duke*.
- Gilbert L. Oddo; B.A., Union College, 1948; M.A., Georgetown, 1950; Ph.D., *ibid.*, 1952. Justice Douglas and the Roosevelt Court. *Georgetown*.
- Robert H. Salisbury, Jr.; A.B., Washington & Lee, 1951; A.M., Illinois, 1952; Ph.D., *ibid.*, 1955. The United States Court of Appeals for the Seventh Circuit: A Study in Policy Formation. *Illinois*.
- AMERICAN STATE AND LOCAL GOVERNMENT AND POLITICS
- Twiley W. Barker; A.B., Southern University, 1948; A.M., Illinois, 1949; Ph.D., *ibid.*, 1955. State Liquor Monopolies in the United States. *Illinois*.
- George Bell; B.A., University of Newark, 1936; M.A., New Jersey State Teachers College, 1940; Ph.D., Michigan, 1955. The Michigan Municipal League: An Analysis of Policies and Services. *Michigan*.
- Wen-Pin Chen; A.B., Wu-han University, China, 1941; A.M., Illinois, 1949; Ph.D., *ibid.*, 1955. State Supervision and Control

- over Local Law Enforcement in the United States. *Illinois*.
- Fenton Asher Gage; A.B., Union College, 1937; A.M., Syracuse, 1939; Ph.D., Harvard, 1955. Municipal Housing Authorities of "Up-State" New York. *Harvard*.
- Delphis Clark Goldberg; A.B., Union College, 1942; A.M., Harvard, 1948; Ph.D., *ibid.*, 1955. Public Assistance Standards in New York State: A Study of Intergovernmental Relations in the Administration of a Grants-in-Aid Program. *Harvard*.
- Stewart L. Grow; B.S., Brigham Young University, 1935; M.S., *ibid.*, 1948; Ph.D., Utah, 1954. A Study of the Utah Commission, 1882-1896. *Utah*.
- Donald J. Kreitzer; B.A., University of Dayton, 1946; M.A., University of Cincinnati, 1948; Ph.D., Ohio State, 1955. Urban Redevelopment in Columbus, Ohio. *Ohio State*.
- Virginia E. Lewis; A.M., Washington University, 1935; Ph.D., New York University, 1955. Fifty Years of Politics in Memphis. *New York University*.
- Lee Moore; B.A., Franklin and Marshall, 1941; Ph.D., Pennsylvania State, 1954. Annexation and the Administration of Metropolitan Areas in Pennsylvania. *Pennsylvania State*.
- Harold L. Rakov; B.S., Syracuse, 1946; Ph.D., *ibid.*, 1955. The Political Orientation of the Public School as Reflected in the Evolution and Present Structure of the New York State Public School System. *Syracuse*.
- Martin R. Ream; B.S., Franklin and Marshall, 1929; A.M., Pennsylvania, 1951; Ph.D., *ibid.*, 1955. Financial Aspects of State Monopoly and State Licensing of Alcoholic Beverages, With Special Reference to the Commonwealth of Pennsylvania and the State of New York. *Pennsylvania*.
- Walter F. Scheffer; B.S., Eau Claire State Teachers College, 1943; M.S., Wisconsin, 1947; Ph.D., *ibid.*, 1955. Some Inter-Governmental Problems in Post-War Highway Financing and Administration in Wisconsin—With Special Reference to the Truck. *Wisconsin*.
- David W. Smith; B.S., Utah, 1947; M.A., *ibid.*, 1948; Ph.D., *ibid.*, 1955. The Legislative Council Movement in the United States. *Utah*.
- John Vanderzell; A.B., Miami University (Ohio), 1949; Ph.D., Syracuse, 1955. State Legislation Relating to Standards Development in Building Regulation. *Syracuse*.
- Anson E. Van Eaton; B.S., State Teachers College, Kirksville, Missouri, 1925; M.A., Missouri, 1930; Ph.D., *ibid.*, 1955. The Initiative and Referendum in Missouri (1908-1953). *Missouri*.
- J. Roffe Wike, II; A.B., Princeton, 1948; A.M., Pennsylvania, 1951; Ph.D., *ibid.*, 1955. The Pennsylvania Manufacturers' Association: A Study of a Political Interest Group in the Governmental Process. *Pennsylvania*.
- Arthur B. Winter; A.B., Emory University, 1947; M.S., University of Denver, 1948; Ph.D., Duke, 1955. Special Governmental Districts in Tennessee. *Duke*.

PUBLIC ADMINISTRATION IN THE UNITED STATES

- George Bennett Alcorn; S.B., California (Berkeley), 1936; S.M., *ibid.*, 1937; Dr. P.A., Harvard, 1955. Walnut Markets: Chaos, Control, and Countervallance. *Harvard*.
- Richard Ball; A.B., Notre Dame, 1941; M.A., Indiana, 1942; Ph.D., Notre Dame, 1955. The Significance of the Autonomous Governmental Corporation for Public Administration Theory. *Notre Dame*.
- Clifford Leonard Berg; A.B., Minnesota, 1942; M.P.A., Harvard, 1951; Ph.D., *ibid.*, 1955. Career Development in a Federal Scientific Agency. *Harvard*.
- David S. Brown; A.B., Maine, 1936; Ph.D., Syracuse, 1955. The Public Advisory Board in the Federal Government: An Administrative Analysis of Several Boards With Particular Attention to the Public Advisory Board of the Economic Cooperation Administration and the Mutual Security Program. *Syracuse*.
- Vernon Webster Darter; A.B., King College, 1926; S.B., Tennessee, 1930; M.P.A., Harvard, 1952; Dr. P.A., *ibid.*, 1955. County Extension Program: Case Histories of Twelve Counties. *Harvard*.
- John T. Dorsey, Jr.; B.A., Alabama, 1949; M.A., *ibid.*, 1950; Ph.D., *ibid.*, 1955. Administration and the Process of Communication: A Case Study of the Tennessee Valley Authority. *Alabama*.
- George Goodwin, Jr.; A.B., Williams College, 1943; A.M., Harvard, 1947; Ph.D., *ibid.*, 1955. The Railroad Industry. *Harvard*.
- Paul S. Greenlaw; A.B., Syracuse, 1952; M.A., Clark, 1953; Ph.D., Syracuse, 1955. Legislative Riders and Federal Personnel Administration: A Case Study of the Jensen, Thomas, and Whitten Amendments. *Syracuse*.
- Lawrence J. Herson; B.A., Northwestern, 1948; M.A., *ibid.*, 1949; M.A., Yale, 1951;

- Ph.D., *ibid.*, 1955. State Administrative Organization: The Precedent of Illinois. *Yale*.
- Milton Goren Johnson*; A.B., Drury College, 1936; A.M., Chicago, 1937; M.P.A., Harvard, 1952; Dr. P.A., *ibid.*, 1955. Foundations for Program Administration in a Federal System: Development of Public Medical Care for Children in Oklahoma. *Harvard*.
- Garth N. Jones*; B.S., Utah Agricultural College, 1947; M.S., Certificate in Public Administration, Utah, 1948; Ph.D., *ibid.*, 1954. Administration of the Trust Territory of the Pacific Islands. *Utah*.
- Alan Keith-Lucas*; A.B., Cambridge University, 1931; A.M., *ibid.*, 1935; Ph.D., Duke, 1955. Decisions About People in Need: A Study of Administrative Responsiveness in Public Assistance. *Duke*.
- Donald W. Krimel*; B.Ed., Northern Illinois State Teachers College, 1941; M.Ph., Wisconsin, 1946; Ph.D., *ibid.*, 1955. The Public Communications Functions of the Federal Government: An Examination Primarily Directed Toward Development of a More Precise Definition of the Study Area. *Wisconsin*.
- Maurice Joseph Mountain*; A.B., Brown, 1948; A.M., Harvard, 1950; Ph.D., *ibid.*, 1955. Domestic Operations of the Office of War Information: A Case Study in Wartime Government Publicity. *Harvard*.
- Maurice E. O'Donnell*; B.S., Eastern Illinois State College, 1948; M.S., Wisconsin, 1951; Ph.D., *ibid.*, 1954. The Growth of Independent Agencies in Foreign Economic Affairs. *Wisconsin*.
- W. Scott Payne*; A.B., University of Colorado, 1939; A.M., *ibid.*, 1941; M.P.A., Harvard, 1947; Ph.D., *ibid.*, 1955. The Certification of United States Carriers for Foreign Air Transportation: A Case Analysis in Public Policy. *Harvard*.
- Palmer C. Pilcher*; A.B., Syracuse, 1949; Ph.D., *ibid.*, 1955. Liability of Hospitals and Hospital Administrators. *Syracuse*.
- Jewel Limar Prestage*; B.A., Southern University, 1951; M.A., State University of Iowa, 1952; Ph.D., *ibid.*, 1954. The Status of the First Hoover Commission Report: An Analysis of the Roles of the President and Congress. *Iowa*.
- Alan Rankin*; A.B., Fort Hays Kansas State College, 1937; M.A., Syracuse, 1939; D.S.S., *ibid.*, 1955. The Administration of Federal Contract and Grant Research. *Syracuse*.
- Mary Ruth Rapp*; S.B., Indiana, 1934; A.M., George Washington, 1950; M.P.A., Harvard, 1951; Dr. P.A., *ibid.*, 1955. 4-H Awards Study. *Harvard*.
- Lloyd William Schram*; B.A., Washington (Seattle), 1934; LL.B., *ibid.*, 1937; LL.M., Harvard, 1938; Ph.D., Washington (Seattle), 1955. The Columbia River Basin and the Columbia Basin Joint Investigations with Special Reference to Problem 12. *Washington (Seattle)*.
- William D. Spear*; B.A., State University of Iowa, 1950; M.A., *ibid.*, 1953; Ph.D., *ibid.*, 1954. A Plan of Integration of Labor Functions within a State Department of Labor in Iowa. *Iowa*.
- Thomas Hugh Strong*; S.B., Queensland University, Australia, 1935; S.M., *ibid.*, 1937; M.P.A., Harvard, 1949; Dr. P.A., *ibid.*, 1955. Agriculture in Relation to Balanced Economic Development in Australia. *Harvard*.
- Maurice K. Townsend*; B.A., Boston University, 1949; M.A., Chicago, 1950; Ph.D., *ibid.*, 1954. A Study of Attitudes Toward the Division of Duties in Personnel Administration. *Chicago*.
- Marshall Owen Watkins*; S.B., Florida, 1935; S.B., *ibid.*, 1948; Dr. P.A., Harvard, 1955. The Role of the Agricultural Extension Specialist in the Land-Grant College. *Harvard*.
- George William Westcott*; S.B., Iowa State College, 1926; S.M., *ibid.*, 1932; M.P.A., Harvard, 1946; Dr. P.A., *ibid.*, 1955. The Evolution of Rural Planning: An Important Area for Strengthening the Democratic Processes and Optimizing the General Welfare. *Harvard*.
- Donald Wilhelm, Jr.*; A.B., Yale, 1938; Ph.D., Harvard, 1955. Some Aspects of the Administration of Industrial Development in Burma, 1952-1953. *Harvard*.

FOREIGN AND COMPARATIVE GOVERNMENT AND POLITICS

- Harry J. Benda*; B.A., University of New Zealand, 1950; M.A., *ibid.*, 1952; Ph.D., Cornell, 1955. The Crescent and the Rising Sun; Indonesian Islam under the Japanese Occupation of Java, 1942-1945. *Cornell*.
- Frank R. Brandenburg*; A.B., Southern California, 1950; A.M., Pennsylvania, 1951; Ph.D., *ibid.*, 1955. Mexico—An Experiment in One-Party Democracy. *Pennsylvania*.
- Ben G. Burnett*; A.B., California (Los Angeles), 1948; M.A., *ibid.*, 1950; Ph.D., *ibid.*, 1955.

- The Colombian Party System: A Contemporary Analysis. *California* (Los Angeles).
- Tse-Tsung Chow*; B.A., Central Institute for Political Science, Chungking, China, 1942; M.A., Michigan, 1950; Ph.D., *ibid.*, 1955. The May Fourth Movement and Its Influence upon China's Socio-Political Development. *Michigan*.
- Alessandro L. Corradini*; Doctor of Economics, University of Florence, Italy, 1939; M.A., Wisconsin, 1941; Ph.D., *ibid.*, 1955. The Conduct of Foreign Affairs in Great Britain. *Wisconsin*.
- George Demetriou*; B.A., Hobart College, 1941; Ph.D., *Minnesota*, 1954. A Consideration of Some Aspects of the Problem of Illegitimacy in Venezuelan Politics, 1830-1953. *Minnesota*.
- Khaled I. El-Saghieh*; Licentiate in Law, Syrian University, 1949; Ph.D., *American*, 1955. Nationalism in Morocco: A Study of Recent Developments with Special Reference to the Moroccan Question in the United Nations. *American*.
- Bernard B. Fall*; M.A., Syracuse, 1952; Ph.D., *ibid.*, 1955. Political Development in Vietnam; VJ-Day to the Geneva Cease-Fire. *Syracuse*.
- John L. Groom*; B.A., Wheaton College, 1942; B.D., Northern Baptist Seminary, 1945; Ph.D., Southern California, 1955. The Function of Soviet Power: A Critique of a Modern Despotism. *Southern California*.
- Susan Han*; B.A., St. John's University, China, 1948; M.Ed., Mercer University, 1949; Ph.D., Chicago, 1955. The Concept of the Proletariat in Chinese Communism. *Chicago*.
- William S. Hardenbergh*; A.B., Illinois, 1950; A.M., *ibid.*, 1951; Ph.D., *ibid.*, 1954. British Government in British Columbia. *Illinois*.
- Bernard C. Hennessy*; B.A., Syracuse, 1948; M.A., *ibid.*, 1949; Ph.D., Wisconsin, 1955. British Trade Unions and International Affairs, 1945-1953. *Wisconsin*.
- Ursula Holtermann*; B.S., London School of Economics, 1948; M.A., Chicago, 1951; Ph.D., *ibid.*, 1955. Political Parties in Western Germany. *Chicago*.
- Roy E. Jumper*; A.B., South Carolina, 1948; M.A., *ibid.*, 1949; Ph.D., Duke, 1955. The Recruitment and Training of Overseas Administrators: A Case Study in French Bureaucracy. *Duke*.
- Hossein Kazemzadeh*; Licence, Law School Teheran University, 1947; Ph.D., Princeton, 1954. Iran and the United Nations: A Study in the Political Behavior of a Small Power. *Princeton*.
- John J. Kennedy*; A.B., New Mexico, 1936; A.M., Columbia, 1938; Ph.D., *ibid.*, 1954. Donoso Cortes as Servant of the State. *Columbia*.
- James D. Kitchen*; A.B., California (Los Angeles), 1947; M.A., *ibid.*, 1949; Ph.D., *ibid.*, 1955. Local Government in Guatemala. *California* (Los Angeles).
- Samuel Kucherov*; A.M., Columbia, 1947; Ph.D., *ibid.*, 1955. Courts, Lawyers and Trials Under the Last Three Tsars. *Columbia*.
- Jerzy J. Lerski*; M. Jur., Oxford University, 1946; Ph.D., Georgetown, 1953. The United States and the Polish Exiles of 1831. *Georgetown*.
- Gerhard Loewenberg*; B.A., Cornell, 1949; M.A., *ibid.*, 1950; Ph.D., *ibid.*, 1955. The Effects of Governing on the British Labour Party, 1945-1951. *Cornell*.
- Albert Anthony Marinac*; A.B., Pittsburgh, 1943; A.M., *ibid.*, 1950; Ph.D., Harvard, 1955. The French Popular Democratic Party, 1924-40: A Study in Social Catholic-Christian Democratic Political Action. *Harvard*.
- Douglas H. Mendel, Jr.*; B.A., Middlebury, 1942; M.A., Michigan, 1950; Ph.D., *ibid.*, 1955. Political Behavior in Post-Treaty Japan: A Study of Leadership and Constituents' Attitudes in Two Selected Areas. *Michigan*.
- Edward W. Mill*; A.B., Wisconsin, 1940; M.A., Michigan, 1941; Ph.D., Princeton, 1954. The Conduct of Philippine Foreign Relations. *Princeton*.
- Kenneth E. Miller*; A.B., Kansas, 1949; M.A., *ibid.*, 1951; Ph.D., Johns Hopkins, 1955. The British Labour Party and Theories of Socialist Foreign Policy, 1900-1931. *Johns Hopkins*.
- Hazem Zaki Nuseibeh*; A.B., American University Beirut, 1943; Law Degree, Jerusalem Law School, 1949; M.P.A., Princeton, 1952; Ph.D., *ibid.*, 1954. The Ideas of Arab Nationalism. *Princeton*.
- Gabriel U. Onukaogu*; A.B., Friends, 1950; Ph.D., Indiana, 1955. Conditions Affecting the Administration of Technical Assistance Programs in Nigeria. *Indiana*.
- Leon Vincent Padgett*; A.B., Northwestern, 1950; Ph.D., *ibid.*, 1955. Popular Participation in the Mexican One-Party System. *Northwestern*.
- Roland I. Perusse*; A.B., Wisconsin, 1946;

- M.A., Notre Dame, 1951; Ph.D., American, 1955. The Study of the Problems of Contemporary Germany, with Particular Emphasis on the Question of German Reunification and Germany Integration into the Western Community of Nations. *American*.
- Jesse Harris Proctor; A. B., Duke, 1948; M.A., Fletcher School, 1949; Ph.D., Harvard, 1955. The Effort to Federate the British Caribbean Territories—1945 to 1953. *Harvard*.
- James Riedel; B.S., University of Denver, 1942; M.A., *ibid.*, 1943; Ph.D., Chicago, 1954. The British Debate on Foreign Policy, 1945–1950. *Chicago*.
- Owen W. Roberts; A.B., Princeton, 1948; M.I.A., Columbia, 1951; Ph.D., *ibid.*, 1955. The French Socialist Party and its Indo-China Policy. *Columbia*.
- John H. Romani; B.A., New Hampshire, 1948; M.A., *ibid.*, 1949; Ph.D., Michigan, 1955. The Philippine Presidency: An Evaluation in Terms of American Practice and Procedure. *Michigan*.
- Susanne Hoerber Rudolph; B.A., Sarah Lawrence College, 1951; Ph.D., Harvard, 1955. Congress in Power: A Study of Party in the Context of Asian Democracy. *Harvard*.
- Theodore L. Shay; A.B., Northwestern, 1949; M.A., *ibid.*, 1951; Ph.D., *ibid.*, 1955. Tilak, Gandhi, and Arthasastra. *Northwestern*.
- Kurt L. Shell; B.Sc., Columbia, 1948; A.M., *ibid.*, 1949; Ph.D., *ibid.*, 1955. The Austrian Socialist Party Since 1945—Socialism in the "Age of Fulfillment." *Columbia*.
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BIBLIOGRAPHICAL ARTICLES

A SURVEY OF MATERIALS FOR THE STUDY OF MILITARY MANAGEMENT*

For a professional group whose main concern is frequently announced as "the problem of political power," American political scientists have paid astonishingly little attention to the main instrument of American political power—our armed forces. We have to some extent considered the influence of the military upon foreign policy and upon our traditional democratic institutions, but our neglect of the mechanics of internal management, which are to a considerable extent responsible for the powerful organizational momentum of the military establishment, could, until World War II, only be termed monumental.

While since 1940 there has been an increasing interest among political scientists in *military management*—the term used in this survey, for reasons indicated later, to designate that segment of public administration which relates to the military—there is much yet to be done; and there are cogent reasons for expanding our research activities in this direction. Above all there is the problem of the overwhelming size and cost of the military establishment. Such a leviathan needs critical analysis not only to acquaint us with the details of its inner workings and the possible trends of its development and influence but also to provide a leaven of criticism from without. As Maj. Gen. Otto L. Nelson, Jr., stated before the 1948 annual meeting of the American Political Science Association: "Too often in the past, the subject of organization for national defense has been regarded as primarily a technical problem for the military. . . . Nothing could be more unfortunate. Not only is the problem essentially political, rather than military, but it is one which, in light of our present situation, cannot and should not be left to the military alone." (*The Impact of Foreign Commitments on the Organization for National Defense*, p. 1.)

Beyond the need for constructive criticism of the military establishment, there is also the need to learn from military managerial experience. Military management represents our most systematic attempt to rationalize administration, public or private, and in neglecting it we may well have been neglecting the most fruitful source of managerial concepts and ideas available within the broad stream of American administrative experience. One can only note with concern, therefore, that none of the current texts in public administration makes more than a gesture toward the problems of military management or toward the comparison of civilian and military techniques of administration. John D. Millett's *Management in the Public Service* (McGraw-Hill, New York, 1954) is more helpful on this score than similar works, but on the whole our

* So many organizations and individuals have assisted the author that credit cannot be given to all of them by name. However, the author wishes especially to recognize the continued assistance and encouragement of various members of the Office of the Chief of Military History, Department of the Army; as well as, during the early stages of the research, the financial assistance of the Social Science Research Council of Northwestern University.

graduate students must fend for themselves if they wish to comprehend the largest single segment of American public administrative activity.

One of the major barriers to scholarly analyses of military affairs is the lack of general knowledge among political and other social scientists of the available research materials. The purpose of this survey is broadly to consider the problems of research into the military aspects of public administration and to lay out—primarily for the political scientist interested in public administration and public policy—some of the major sources of information.

This discussion will also supplement—from the standpoint of the internal rather than the external problems of the military—the 140-page pamphlet on *Civil-Military Relations: An Annotated Bibliography, 1940 to 1952* (Columbia University Press, New York, 1954), prepared under the auspices of the Social Science Research Council's committee on this subject, headed by William T. R. Fox. This important research aid was, in turn, designed to supplement the SSRC's 1940 bibliography, also entitled *Civil-Military Relations* (Public Administration Service, Chicago), which is still a major source of reference to World War I military materials.

I. SOME BASIC RESEARCH DIFFICULTIES

Research into military management is not a simple matter. Our delay in the development of monographic materials concerned with military management is probably as much the result of this fact as it is of our traditional unconcern with matters military.

Mass of Documentation. Perhaps the most dismaying prospect facing the researcher is the sheer mass of documentation awaiting him. For example, as of 1947 the records relating to World War II under the control of the Department of the Army alone were estimated by the Office of the Chief of Military History at better than 17,000 tons. By 1954 more than a million documents relating to the USAF and its predecessor organizations were in the archives of the USAF Historical Division.

Security Restrictions. A further difficulty is the problem of "security." For example, 65,000 of the National War College Library's nearly 400,000 items are classified. The security regulations are frequently such that the outsider cannot undertake research into many aspects of military management—especially those of a current nature—without carefully preparing his way. If one is a present or former member of the armed forces, his problem is simpler, but he must in any event be prepared to face the problem of security with reference not only to basic documents and source materials but also to his end product. As military agencies are making every effort to open up documents for scholarly perusal, there is a fairly wide range of material available to the competent civilian student of military affairs who knows what he wants and where to find it; but the researcher who simply wishes to explore the possibilities will find it difficult going. Even explorations may require clearances.

Semantics. Another but less insuperable problem is essentially semantic. Military terminology is frequently confusing to anyone without considerable

military experience. Of special significance is the usual military definition of *administration*, for in the military this term normally refers only to military paperwork and supply activities as opposed to such other activities as planning, operations, and strategy and tactics. *Military management* is perhaps the best equivalent in military terminology for *public administration* as it is thought of in relation to civil agencies—hence its use in the title of this article and elsewhere. It is used here in the general sense in which Colonel John R. Beishline uses it in his *Military Management for National Defense* (Prentice-Hall, New York, 1950). But even the individual with military experience is likely to need to make frequent reference to the unofficial *New Military and Naval Dictionary* (Philosophical Library, New York, 1951), which contains 7,000 contemporary definitions of terms used in all services, or to one of the several official military guides to terms, abbreviations, and symbols, reference to which can be made through official publications indexes cited later.

Scarcity of Indexes. An equal obstacle to research is the relative scarcity of adequate indexes to military literature, and particularly periodical literature. Existing indexes will be described later in this article, but there is no military equivalent of, for example, the *Reader's Guide*. This situation is gradually improving, however, and some assistance can now be obtained through the use of an increasing number of partial indexes and guides.

Professional Requirements. Competent research into military affairs is not to be expected from amateurs. Kent R. Greenfield, the Army's Chief Historian, in a short mimeographed release distributed at the 1948 annual meeting of the American Political Science Association ("Opportunities for Research in the Records of the Department of the Army," Office of the Chief of Military History, Washington, 1947), warns, in terms which are equally applicable to the Air Force and the Navy, that:

the inadvisability of the use of the great mass of records by persons untrained in the problems of modern historical research, or not well-grounded in their special field of investigation, must be made clear. . . . The Historical Division is not equipped to provide adequate archival service except for its own writers. It cannot, therefore, devote any great amount of time to aiding visiting students in their research. Further, those who will use classified records must know exactly for what they are looking, in order to see them or have them declassified. . . . The opportunity for scholarly research in military institutions is unique, but it also challenges the resourcefulness and skill of the scholarly investigator.

For further illumination on these and related matters the cogent little volume containing the substance of three of Greenfield's lectures before the College of Puget Sound in 1953 and published under the title of *The Historian and the Army* (Rutgers University Press, New Brunswick, 1954) is a "must." No other available publication so well outlines the sweep and magnitude of the problems facing the analyst of relatively contemporary military history.

Unfortunately, many political scientists have not been well-grounded in history and historical method, and the author has been informed by those who should know that this is one of the reasons for a paucity of political scientists in the military history programs—even though large segments of these involve

essentially managerial matters. What is most needed for research into military organization and management are individuals who can to some extent match the civilian historians in their understanding of history and historical method, and who can also add to their analyses of military problems the penetration of minds trained in the problems of comparative administration—a thorough understanding of which is frequently lacking in the training of both professional military men and historians.

II. BACKGROUND MATERIALS

Assuming a researcher wishes to ground himself—in a general rather than a specialized fashion—in American military management, where should he start? Unfortunately there is no single work which will suffice for an “introduction.” Therefore the following suggestions are made, in full realization that many will challenge the author’s preferences.

Introductory Items. For a general historical introduction one might well start with either or both of two works. Cyril Falls’ *A Hundred Years of War* (Duckworth, London, 1953 and Macmillan, New York, 1954) represents an unusually successful attempt to present in a single volume many of the most important military developments from 1850 to 1950. However, as Falls’ primary interest appears to be with the more purely military aspects of warfare, he does not treat many of its broader implications. Of a somewhat different sort, and originally designed for use in the new military history program pioneered at Princeton under a Rockefeller grant, is the collection of materials edited by Gordon B. Turner and titled *A History of Military Affairs in Western Society since the Eighteenth Century* (Harcourt Brace, New York, 1953). Prepared by Turner with the guidance of an advisory committee consisting of Gordon A. Craig, Wesley F. Craven, and Jeter A. Isely, the selections represent 60 major writers whose contributions relate to the politics and economics of warfare, strategy and tactics, logistics, administrative problems, utilization of manpower, combined operations, and the like. A revision of a 1952 edition, the volume supplements that of Falls in its emphasis on the political and economic aspects of warfare. This volume is a landmark for the teaching of military history and is the first such work of importance since the publication in 1929 of Robert G. Albion’s *Introduction to Military History* (Century, New York), a volume which is still useful, especially for its extensive bibliography. Finally, there is the enormously suggestive examination of the relationships between military organization and social structure by Stanislaw Andrzejewski in his *Military Organization and Society* (Grove Press, New York, 1954). Such a work should be undertaken only after a perusal of one of the more traditional treatments listed above, but the author’s wide-ranging analysis of the problem of military organization and power and its effects upon societies will give the reader some hypotheses—frequently arguable—around which to develop his critical thinking.

Classical Works. By this time one should be ready for some of the “classical” works on the art and science of war, the philosophy of warfare, and the princi-

ples of war and strategy. These studies range from the works of Machiavelli down to such well-known analyses as Alfred T. Mahan's *The Influence of Sea Power upon History, 1660-1783* (Little, Brown, Boston, 1890) and Karl von Clausewitz' *On War* (new ed., trans. by O. S. Matthijs Jolles, Infantry Journal, Washington, 1950), and backward to the works of Thucydides, Sun Tzu, and Caesar. Almost any military bibliography of any scope will contain references not only to these students of military affairs but also to the names of J. F. C. Fuller, Ferdinand Foch, Henry Jomini, Colmar von der Goltz, Ardant du Picq, Giulio Douhet, Charles De Gaulle, Alfred von Schlieffen, Bronsart von Schellendorff, Emory Upton, Basil H. Liddell-Hart, and a number of others. These men are the "stars" of military theory and philosophy—with writings and concepts applicable not only to strategy and tactics but also to matters of organization and administration. Of the group, perhaps von Clausewitz is best known, but each of them has his ardent devotees. For an introduction to the writings of many of these men, see Edward M. Earle, ed., *Makers of Modern Strategy: Military Thought from Machiavelli to Hitler* (Princeton University Press, Princeton, 1943).

History of American Military Institutions. For the pre-World War II history of American military institutions one might begin with Fletcher Pratt's *A Short History of the Army and Navy* (Infantry Journal, Washington, 1944). This could be supplemented from the Army and Air Force side by William A. Ganoe's *History of the U.S. Army* (Appleton, New York, 1924), Oliver L. Spaulding's *United States Army in War and Peace* (Putman, New York, 1937), or John McAuley Palmer's *America in Arms* (Infantry Journal, Washington, 1943); and from the Navy side by Harold H. and Margaret Sprout's *Rise of American Naval Power, 1776-1918* (Princeton University Press, Princeton, rev. ed., 1942) and *Toward a New Order of Sea Power: American Naval Policy and the World Scene, 1918-1922* (Princeton University Press, Princeton, 1940), D. W. Mitchell's *History of the Modern American Navy from 1883 through Pearl Harbor* (Knopf, New York, 1946), or D. W. Knox' *A History of the United States Navy* (Putnam, New York, 1948). For the only equivalent work oriented toward our modern Air Force, see the controversial appraisal of *U. S. Military Doctrine* (Duell, Sloan and Pearce; Little, Brown; New York and Boston, 1955), by Brigadier General Dale O. Smith, USAF.

Recommended as a guide to more detailed information for this period, though not limited to it, is the 34-page bibliographical appendix to the excellent Department of the Army Pamphlet No. 20-200, *Guide to the Writing of American Military History* (G.P.O., Washington, 1951), prepared by the Office of the Chief of Military History for the guidance of Army historians. This bibliography is the best general bibliography on American military affairs—though it emphasizes the Army development—which has come to the attention of the author. It also has the advantage of being relatively easily accessible, since a preliminary edition of this pamphlet was considered sufficiently important to be reprinted as the Spring, 1950 issue of *Military Affairs* (Vol. 14). The chapter on "Libraries and Archives: How to Use Them" is invaluable. A reprinting of

this manual is anticipated for 1955, and it is expected to contain a recommended reading list for officers. From an analytical point of view, though its bibliography is only moderately helpful, the syllabus entitled *War and National Policy* (Farrar and Rinehart, New York, 1942), edited by Grayson Kirk and Richard P. Stebbins, is more useful.

For the period since 1940 one should first consult the listings in the annotated bibliography on *Civil-Military Relations*, cited earlier, paying special attention to the items in Part II, "Defense Management," and Part IV, "Human and Material Resource Allocation." Among the many listings, those by or concerning Admirals King and Sims; Generals Marshall, Arnold, Nelson, Kenney, and Brereton; Secretaries Stimson and Forrestal; Colonels Beishline, Hittle, and Leigh; and by other analysts such as Read, Ballantine, Connery, Draper, Miller, Worsley, and Yoshpe are recommended. These may be digested along with the frequently highly illuminating reports and publications—many of which are cited in the bibliography referred to above—of congressional committees, the Bureau of the Budget (see especially its history of civil governmental operations in World War II, *The United States at War*, G.P.O., Washington, 1946), and the first Hoover commission. A general overview of the events of World War II can probably best be obtained through study of T. Dodson Stamps' and Vincent J. Esposito's (eds.) *A Military History of World War II* (West Point, New York, 1953, 2 vols. and atlas), the only available compendium of World War II military history, or through one or more of the official war histories of the defense services, about which more will be said later.

Organization. For a stimulating though controversial study of American, and to some extent comparative, military organization and administration, made by a somewhat dogmatic student of organization, better known for his work in the field of business administration, see Alvin Brown's *The Armor of Organization* (Hibbert, New York, 1953). Although inflexible on a number of matters, this is nevertheless, except for the reports of official commissions, the only comprehensive analysis of military management involving all three major services. The two principal studies of the American general staff concept—Otto Nelson's *National Security and the General Staff* (Infantry Journal, Washington, 1946) and J. D. Hittle's *The Military Staff: Its History and Development* (Military Service Publishing Co., Harrisburg, Pa., rev. ed., 1949)—have recently been supplemented by an American Management Association publication (General Management Series, No. 165, 1953) by Lyndall F. Urwick and Ernest Dale, *Profitably Using the General Staff Position in Business*. This 35-page pamphlet is especially useful for its attempt to disengage staff-line concepts from their current semantic morass and is further evidence of the interest of the business world in military organizational techniques. For other references to organizational systems and doctrine within the military, see especially the citations in Section V of this survey.

Logistics. "Logistics" is a special military term which, as Army Field Manual 100-10 (1949) has defined it, "envisages getting the right people and the

appropriate supplies to the right place at the right time and in the proper condition" (p. 367), although more current doctrine tends to de-emphasize the reference to personnel. Traditionally it is a broad term encompassing the procurement, supply, and distribution activities of the military together with large portions of the financial and personnel activities. Since 1952 three works of unusual importance have appeared to illuminate these matters. The most specialized of these—supplementing Elias Huzar's trail blazing study, *The Purse and the Sword* (Cornell University Press, Ithaca, 1950)—is Frederick C. Mosher's *Program Budgeting: Theory and Practice* (Public Administration Service, Chicago, 1954). While Mosher's study relates primarily to the Army, it is also to some extent a comparative study of the services. It shows clearly how difficult it is under present political and appropriation policies to coordinate the long-range financial and program planning activities of the military. The web of financial and cost accounting controls now developing within the military, though partially illumined by the pioneer efforts of Mosher, needs much more analysis.

On procurement, supply, and distribution there is, in addition to the specialized studies of particular military agencies such as the Quartermaster Corps or the Bureau of Ordnance, to be referred to later, the important study of *The Organization and Role of the Army Service Forces* by John D. Millett (G.P.O., Washington, 1954). Millett served on the staff of Lt. Gen. Brehon B. Somervell, the commanding general of the ASF, and during World War II was the historian of the ASF, the most controversial of the three top-level operating agencies established by the War Department in 1942, the other two being the Army Air Forces and the Army Ground Forces. Much more of a personal history than other Army military histories, the volume suffers to some extent from this fact but has gained from Millett's close association with the subject at hand. While the ASF was disbanded at the end of the war, its story becomes more important when one realizes that in the summer of 1954 what is in effect a new ASF was created. On this development see Lt. Gen. W. B. Palmer's short but useful discussion of "The Evolution of Management for Logistics," *Combat Forces Journal*, Vol. 5, pp. 22-24 (Feb., 1955).

Millett's study also throws some light on the problems of civilian as opposed to military supply during time of war, particularly on the quarrels between the War Production Board and the armed services over procurement policies. However, the second edition of a 1950 publication, *Economics of National Security*, prepared by George A. Lincoln and his associates at the U.S. Military Academy (Prentice-Hall, New York, 1954), offers a much more complete presentation of the problem of management of economic resources under the cold-war conditions of today. This is not a highly theoretical work, but it is a most practical one in its definition of the problem and its discussions of developments during and since World War II. Not only does the study consider some of the overall economic problems involved in the security effort, but also such subordinate managerial problems as manpower control, industrial mobilization, procurement, transportation, financial stabilization, raw material strategy,

economic warfare, and mutual assistance. In its chapters on "The National Security Council," "The National Security Resources Board," and "The Emergency Mobilization Agencies," Edward H. Hobbs' *Behind the President: A Study of Executive Office Agencies* (Public Affairs Press, Washington, 1954) provides supplementary reading.

Strategy and Tactics. Here one should refer first to the classical writers mentioned earlier and to some of the publications cited in Sections IV, V and VI. Relatively new applications of scientific research techniques to all sorts of managerial matters—both business and governmental—including especially strategy and tactics, are represented by "operations research," another managerial technique which first proved itself in the military. Those who wish to orient themselves in this approach would do well to start with John McDonald's *Strategy in Poker, Business, and War* (Norton, New York, 1950) or J. D. Williams' *The Compleat Strategyst* (McGraw-Hill, New York, 1954). However, these two books emphasize game theory, which represents only one aspect of operations research; they should be followed by the more complete *Operations Research for Management* (Johns Hopkins University Press, Baltimore, 1954), edited by Joseph F. McCloskey and Florence N. Trefethen of the Army-sponsored Operations Research Office of The Johns Hopkins University.

Civil-Military Relations. While this discussion is not oriented toward the external relationships of the military, nevertheless the impact of civil-military relationships is felt within the military as well as within the civil establishment. Since the publication of the bibliography on *Civil-Military Relations*, cited earlier, two helpful items have appeared. The most important for our purposes here is by Burton M. Sapin and Richard C. Snyder, *The Role of the Military in American Foreign Policy* (Doubleday, Garden City, 1954). One of the Doubleday Short Studies in Political Science, this booklet covers such topics as "The Expanded Role of the Military," "Military Organization for Foreign-Policy-Making," and "Military Participation in Foreign-Policy-Making," together with a consideration of the proper role of the military in such matters. There is also a useful two-page bibliography. The other item, which covers some of the same ground, is an issue of the *Journal of International Affairs* (Vol. 8, No. 2, 1954) devoted entirely to the topic of "The Military and U.S. Foreign Policy Planning." In six individual articles such matters as "The National Security Council: Concept of Operation; Organization; Actual Operations"; "Military-Civilian Relations in the Occupation of Japan and Korea"; and "Radicalism and Conservatism in National Defense Policy" are considered. The Doubleday item and the *Journal* symposium admirably supplement each other and, if read with Louis Smith's *American Democracy and Military Power* (University of Chicago Press, Chicago, 1951), the standard work on the problem of the proper relationship of military to civilian power, should provide a grasp of most of the politico-military problems confronting us today.

A survey of current research in civil-military relations is given by William T. R. Fox, "Civil-Military Relations Research," *World Politics*, Vol. 6, pp. 278-88 (Jan., 1954). The basic monographic literature necessary for more defin-

itive studies has been lacking; the program of grants to individuals for research in the history of military policy, initiated by the Social Science Research Council in the autumn of 1954, is intended to meet this need.

Law. Finally, there are the matters of law and legal precedent. The most definitive analysis of the powers of the President is still that of Edward S. Corwin, *The President: Office and Powers* (New York University Press, New York, 3d rev. ed., 1948). Of special interest here are the discussions in Chaps. 4 and 6, the former dealing in part with the subject of martial law and the latter with the "Commander-in-Chief in Wartime." Also of special interest is the monograph by Clinton L. Rossiter, *The Supreme Court and the Commander-in-Chief* (Cornell University Press, Ithaca, 1951). Neither of these works nor the standard texts in public law, however, deal much with the administration of justice within the military—with "military law and justice," as it is usually termed—for which there is a separate constitutional legal system. Perhaps the best guide now available—though much of it is quite technical—is *Military Law under the Uniform Code of Military Justice*, by William B. Aycock and Seymour W. Wurfel (University of North Carolina Press, Chapel Hill, 1955). Especially useful is the first chapter, concerning "Historical Background." Last of all, there is the special problem of the "laws of war," which involves such matters as the Hague conventions. A useful digest and bibliography on this subject is contained in the 1949 revision of the *Encyclopaedia Britannica* under the heading, "Laws of War." Beyond the above items, there are all the federal laws and regulations affecting the defense agencies, the reports of the Judge Advocate General, quantities of hearings and legislative debates, court decisions, and other sources, access to which can be obtained through the standard legal and legislative guides.

III. ARCHIVAL AND OTHER BASIC INDEXES

In this section the major general and special guides and indexes to sources such as archives, military periodicals, military books and pamphlets, official military publications, and special library collections, are considered.

Archives. The archival problem is, of course, immense, but two major guides are available. The first is the National Archives compilation, *Federal Records of World War II* (G.P.O., Washington, 1951), prepared under the direction of Philip M. Hamer. This publication is in two volumes, the first concerning "Civilian Agencies" (1073 pages, including a brief name index), and the second concerning "Military Agencies" (1061 pages, including a 218-page consolidated subject matter and name index for both volumes). Not only does this monumental work describe the archival collections in as much detail as is now possible—including agency, current disposition of records, the general contents of the records, and the prospects of access—but it also contains brief and invaluable summaries of the organization and functions of the great number of wartime agencies, both civilian and military. In addition, these volumes are constantly being supplemented by more detailed inventories, special lists, and other finding aids.

A similar National Archives publication is available for World War I, the *Handbook of Federal World War Agencies and Their Records: 1917-1921* (G.P.O., Washington, 1943). Unlike the two volumes cited above, this 666-page indexed publication contains, in addition to the usual archival information, detailed bibliographies relating to federal agency operations during World War I. For other archival publications of use to the student of military management one should check the publications list of the National Archives, which is obtainable directly from that agency. One of the more useful items, for example, is Reference Information Paper No. 43 (December, 1952), which outlines *Materials in the National Archives Relating to the Historical Programs of Civilian Governmental Agencies during World War II*. This pamphlet deals primarily with agencies especially created during the war for emergency purposes, and many of their historical materials relate directly to military problems. Its bibliographies supplement the 53-page *List of World War II Historical Studies Made by Civilian Agencies of the Federal Government* (G.P.O., Washington, 1951), prepared by the National Historical Publications Commission.

For still more published information, the researcher may consult the files of *The American Archivist*; for example, the April, 1954 issue (Vol. 17) of this journal contains a description of the USAF Historical Division Archives.

Periodicals. There is no definitive listing of what may be called "military periodicals" and few of them are indexed in the better known guides to periodical literature. However, a note in *Military Affairs*, Vol. 17, p. 190 (Winter, 1953), "A Survey of Military Periodicals," refers to a thesis of 360 pages which describes 89 military periodicals. Prepared by Captain Max L. Marshall, the thesis may be consulted in the University of Missouri Library. Evidently Captain Marshall prepared this list with the aid of the editors of *Military Affairs*, and the latter indicate that the thesis not only gives names and addresses of publishers, and other data, but also endeavors to describe in a general way both the flavor and typical content of the periodicals. Nevertheless, Captain Marshall's list does not exhaust the available periodicals; the present author has been able to develop a consolidated list of about 250 foreign and domestic military-oriented periodicals, but even this list is certainly not complete. For a brief guide to the periodicals most useful for insights into Army—and to some extent Air Force and Navy—matters, one may consult pages 98-99 of the Department of the Army Pamphlet No. 20-200, cited earlier. For selected lists of periodicals of particular value for their insights into air and naval managerial problems, the researcher is referred to the principal military libraries, discussed later. For general military management purposes, however, one may wish to check the new monthly periodical, *Armed Forces Management*, the first issue of which appeared in October, 1954. Beyond this, it is enough to say here that the military periodical press contains much of the most incisive and useful literature concerning both current and past military managerial problems, as well as frequent summaries and guides to a vast quantity of foreign and domestic military literature.

Indexes to Military Literature. The normal bibliographical indexes are useful

but quite incomplete in their coverage of military materials, and there is no complete specialized index to all military literature. The following, as far as the author has been able to ascertain, comprise the entire group of publications which at all deserve to be termed indexes and which attempt to be comprehensive rather than specialized.

Probably the most important such index is the *National Defense Review*, published by the Army Library since 1947. Issues appear monthly and the periodical is now in its 16th volume, a volume comprising six issues, the last of which contains a cumulative author and subject listing. The *Review* covers, in addition to general information on other military operations, materials having a direct bearing on the defense departments and all segments thereof. Scientific and technical matters are, however, excluded. It attempts to supplement about 30 current bibliographies which are listed in the introduction. The January, 1955 issue, for example, indexes 550 items, including articles from 126 foreign and domestic periodicals. A total of 800 periodicals are screened regularly for the selection of pertinent papers. The *Review* also covers miscellaneous types of all sorts of publications emanating from within and without the military establishment and not normally cataloged elsewhere. The publication is especially useful in that it not only indexes the items but also abstracts them briefly. Unfortunately, however, the *Review* has been a classified publication, the first five volumes having been marked "confidential" and the remainder having been "restricted" in one way or another, with the present classification being that of "confidential—modified handling authorized."

Then there is the *Periodical Index* of the Air University Library, Maxwell Air Force Base, Alabama, which has been published for about as long as the *Review*. Though each of these guides inclines toward its own service, both are exceedingly broad in their coverage and contain items relating to the entire military establishment. The *Periodical Index* is published quarterly with yearly cumulations and there is a single cumulative issue of 419 pages for the period from October, 1949 through December, 1952. More than 50 periodicals are indexed under subject headings.

Primarily for the Navy, though no more parochial in coverage than the others, are two publications of the Naval War College, Newport, R.I. The first is its *Library Bulletin*, a bi-weekly mimeographed publication of from 10 to 15 pages indexing periodical articles from a wide range of civilian and military publications under subject matter headings, along with books and pamphlets listed alphabetically by author only. This guide is essentially an accessions list—though more useful than most—for the Naval War College Library. As of January, 1955, this publication had reached issue No. 435. Unfortunately, this is not a cumulative publication. However, supplementing the *Library Bulletin* is a selective mimeographed publication known as *Evaluations of Library Material*. Periodically since 1947 the Naval War College library has published through this medium evaluations by naval personnel of periodical articles as well as books and pamphlets. The evaluations are essentially critical annotations of selected items originally listed in the *Bulletin*; for the period from

August, 1947 through June, 1952, they have been cumulated under the title *Staff Evaluations of Library Accessions*, in a single 427-page volume with a composite name and subject index. In addition the items themselves are segregated under 27 major headings varying from "Africa" through "Psychological Warfare" to "World War II." A similar cumulation exists for the period from September, 1952 through June, 1953.

Also useful, though not cumulated in published form, is the *Periodical Literature Bulletin* of the National War College Library, Washington. Usually published weekly in mimeographed form since July, 1947, it indexes articles selected from its larger, though unpublished, selective card index to journal articles in the broad field of military and political affairs. The latter index, which covers some 400 journals, may be used at the Library and is supplemented by another index, more purely military in its emphasis, to periodical articles covering a period from before World War I to June 30, 1947 and consisting of over 100,000 cards. The *Bulletin* has been supplemented regularly by another mimeographed publication known as *Book News*, which indexes, though not cumulatively, selected acquisitions. However, circulation of these issuances is limited to official agencies. Those who cannot obtain access to these materials should consult the various issues of the principal journal devoted to military history, *Military Affairs*, the "Military Library" section of which consists of a wide-ranging selection of current books and periodical articles, prepared and to some extent indexed and annotated through the efforts of George J. Stansfield, reference librarian at the National War College.

Finally, for materials relating to naval management (there is no equivalent for the Army or Air Force), one should not fail to consult the most complete bibliography on maritime and naval history now available, by Robert G. Albion, Gardiner Professor of Oceanic History and Affairs, Harvard University, *Maritime and Naval History: An Annotated Bibliography* (Published by the author, 1951). This 60-page bibliography—partially annotated—has in turn been supplemented since January, 1952 by a bibliographical section in each issue of *The American Neptune*, also compiled by Albion under the title "Recent Writings in Maritime History." The first two bibliographical sections were devoted to books and articles produced between 1945 and 1951; since then each issue deals with the writings of the previous quarter. The first ten issues (January, 1952–April, 1954) included 1,042 books and 2,411 articles from 309 different periodicals, compiled under 15 topical divisions varying from "Inland Navigation" to "Bibliographies."

Military Publications Systems. None of the indexes mentioned previously makes much if any reference to the official publications of the military agencies. Each of the services has its "official publications system" for internal coordination and information, consisting of regulations, field manuals, technical manuals, circulars, tables of organization and equipment, and similar administrative bulletins—publications which are numbered and distributed according to a systematic procedure, primarily designed to convey to subordinate units information concerning standard policies and practices.

Many of these publications are available in military libraries; many are indexed in the standard catalogs of the Superintendent of Documents; many are available in ROTC libraries; and some are issued on a regular basis to civilian depository libraries. Unfortunately most civilian depository libraries do not catalog these materials very well or completely; in some they are handled like ordinary books and pamphlets and housed among the usual non-military materials, but in others—and they are more usable this way by the systematic researcher—they are kept together somewhere in their numerical series, as they are normally kept in military agencies. In any event, one will not only want to consult the normal library catalogs and shelf lists, but also the following special military indexes to these publications, which are far more complete than the normal library card catalogs and which will give one a fuller idea of what to search for in the depository or other library collections.

In the Air Force the chief indexes to directives of general application are Air Force Regulations No. 5-2 and No. 5-3, the first a *Numerical Index to Air Force Standard Publications*, the second a *Subject Index to Administrative Publications*, both issued by the Air Adjutant General, Washington. These indexes and publications series are then supplemented by other series, issued by the principal Air Commands. For example, the Air Research and Development Command has its own ARDC Regulation No. 5-2, *Numerical Index of ARDC Regulations, Letters, and Manuals*, etc. The Air Force indexes are usually unclassified and, if one does not find them in his depository library (the typical situation), the nearest location where one may consult them can ordinarily be ascertained by writing to the Air Adjutant General. However, the researcher should keep in mind—for Army and Navy indexes also—that any particular issue of these indexes, which are frequently revised several times a year, covers only publications still in effect at the time of publication of the index. There are no cumulative indexes and only modest references to rescinded directives.

The equivalent Army index was contained, for a period after World War II, in the unclassified Field Manual 21-6, *List and Index of Department of the Army Publications*, normally issued quarterly. One or more issues of this manual will be found in many depository libraries and the manual is still useful. However, with the Korean conflict the Army changed its index publications system and raised the security classification to "restricted." Even though the current issues of Army official indexes are now unclassified, they are not generally distributed outside military channels. However, scholars who have good reason to consult these publications should experience no great difficulty, and should write to the Adjutant General, Department of the Army, Washington, for advice and information. One should inquire as to the availability of the No. 310 series of Department of the Army Pamphlets. As late as the summer of 1955, some of the Army's publications indexes were still in the form of Special Regulations (also of the 310 series). However, as the Army is gradually discontinuing its series of Special Regulations, these indexes are reappearing in the form and with the numbers of Department of the Army Pamphlets as rapidly as new

editions are necessary. The full changeover should be complete by the end of 1955.

While the Army and Air Force publications systems are centrally organized through their respective Adjutants General, that of the Navy—including the Marine Corps and, in time of war, the Coast Guard—is directed by the Administrative Office, Department of the Navy. This office controls the over-all publications program but, in accord with traditional concepts of naval administration, permits the bureaus and offices of the Department considerable latitude. As a result, it is often more difficult for the researcher to deal with naval publications than with those of the other services. However, information on virtually all current Navy publications is available from the Publications Division of the Department's Administrative Office; and, particularly since May, 1952, the Navy has made considerable progress in developing a Navy Directives System for the easier identification of internal management issuances. For the basic regulations controlling Navy publications see the 17-page manual, *Rules, Regulations, Policies, and Standards for the Control of Navy Publications and Printing* (Department of the Navy, Washington, NAVEXOS P-35, rev. Nov., 1945). For an understanding of the new Directives System, see SECNAV Instruction 5215.1 on the subject of "The Navy Directives System" (Office of the Secretary, Department of the Navy, Washington, May 19, 1952). For an index to the Directives System see the current and preceding (back to July 1, 1952) issues of *Navy Directives System Consolidated Subject Index*, published semiannually by the Publications Division mentioned above. For the period between July 1, 1952 and June 1, 1942 the files and indexes of the *Navy Department Bulletin*, available for study in the same office, furnish a valuable cumulation of management material of sufficiently broad application to be published through that medium for the entire naval establishment.

In addition to the standard directives of the armed forces, there are the irregular and not always numbered publications often known as Technical Reports—stemming from research and development agencies, special boards and commissions, or defense research and other contractors. Fortunately, as many of these are of wide interest to social and other scientists, they are to a large extent collected, indexed, and occasionally supplied upon request by the Document Service Center, Armed Services Technical Information Agency (ASTIA), Knott Building, Dayton, Ohio. Also published periodically by ASTIA is *The Announcement Bulletin*, a bibliographical publication which lists unclassified materials and which continues a publication previously prepared by the Technical Information Division of the Library of Congress. There is also a classified edition of this publication.

Special Libraries. Some of these have already been mentioned, but there are many more, ranging into the hundreds. If one does not have available the counsel of a librarian versed in special libraries problems, he may wish to direct his inquiries to one or more of these military libraries: the Army Library, the Air University Library, the National War College Library, and the Navy Department Library. The locations of the first three have been given; the

fourth is in the Main Navy Building, Department of the Navy, Washington. From these libraries one may receive further—though seldom definitive—advice on the library resources of the several military departments. However, there is no complete catalog of military special libraries and their major holdings, and the problem of utilizing their very great resources is difficult to solve. The most important ones for the student of military management, besides the four referred to above, are apt to be those associated with the various military educational institutions such as the Naval War College, the Industrial College of the Armed Forces, the Army's Command and General Staff College, the Armed Forces Information School, the Infantry School, or the various military academies.

In 1953 a Military Librarians Section, affiliated with the Social Science Division of the Special Libraries Association, was organized. This group has plans for (1) the development of a Military Libraries Bibliographic Exchange Union centered at the Air University Library, (2) preparation of a Union List of Foreign Military Serials under the sponsorship of the Army Library, (3) promotion of the indexing of English language periodicals in military science, and (4) consideration of the problem of indexing foreign military periodicals. There is also an Armed Forces Librarians Section of the Public Libraries Division of the American Library Association, whose major efforts have been aimed at the improvement of the internal administration of military libraries. The Library Branch of the Special Services Division, Office of the Adjutant General of the Army, will soon publish a *Manual of Army Library Service*.

There also are special collections in many university and a few public libraries, of which the Library of Congress collection is, on the whole, the most important. Within the Library of Congress the activities of the Legislative Reference Service and the General Reference and Bibliography Division of the Reference Department have been the most important from the standpoint of military management. For example, the Legislative Reference Service published during part of World War II a series of selected and annotated *Bibliographies of the World at War*, aimed at providing a guide to materials published after April, 1941 which dealt with national defense and the war effort. With its periodic cumulations and supplements, this bibliography covers the period from April, 1941 through May, 1943. While not fully indexed, the materials cited are grouped under 10 major headings varying from "Political Developments and the War" to "Postwar Planning and Reconstruction." An example of the specialized work of the General Reference and Bibliography Division is the 75-page, annotated "Military Administration: A Partial Bibliography with Special Reference to the Unification of the Armed Services," compiled by Donald H. Mugridge in January, 1946 (typewritten).

Also of special significance is the unofficial collection of military unit histories at the New York Public Library, the most complete such collection in existence, which includes many foreign as well as American items. Unit histories are official or unofficial histories of individual military organizations such as divisions, regiments, companies, etc., and their contents, while not

always unbiased, are frequently useful for the study of the problems of the smaller military units. With the assistance of C. E. Dornbusch and his aides at the New York Public Library, the Office of the Chief of Military History of the Army has produced a catalog of many of these unit histories titled *Unit Histories of World War II* (1950), for which a supplement was published in 1951. The basic listing, which includes many Air Force and Navy histories, is now out of print but the supplement is distributed by the Library Section, Special Services Division, Office of the Adjutant General, Department of the Army, as is a further publication titled *Unit Histories of World War II and After: United States Army* (1953). This agency also distributes monthly a further supplementary publication, reproduced from copy supplied by Dornbusch, known as *Unit Histories*. Beyond these guides, a new publication called *Histories of American Army Units, World Wars I and II and Korean Conflict, with Some Earlier Histories* is in the process of publication. Also compiled from copy supplied by Dornbusch is the *Post-War Souvenir Books and Unit Histories of the Navy, Marine Corps, and Construction Battalions* issued by the Office of Naval History in 1953. In addition to its unit histories the New York Public Library contains one of the outstanding general military collections in the world—including military books in all languages, periodicals, manuals, and related publications.

Other Special Guides and Indexes. Still of considerable use for research purposes is the series of *Official War Publications* (9 vols., 1941–45) prepared by Jerome K. Wilcox for the Bureau of Public Administration of the University of California at Berkeley, the first two volumes of which were designated as *Official Defense Publications*. Several of these volumes are still available through the Bureau and the set is occasionally found in the larger civilian and military libraries. The volumes are mimeographed with a printed cover; they vary from 106 to 236 pages in length. The entire set lists approximately 19,000 items, of which 655 are Canadian, 4,887 state, and 13,392 federal, from all types of civilian and military agencies for the period from 1941 through 1944. Materials are indexed by country, by state, and to a considerable extent by agency, particularly federal materials.

The bibliographical guides prepared by Dorothy C. Tompkins, also of the Bureau of Public Administration at Berkeley, are more recent though less comprehensive for purposes of this discussion. Her *Materials for the Study of Federal Government*, containing a number of entries for military and civil-military agencies, was published by the Public Administration Service, Chicago, in 1948. Her more recent guide, *National Defense in 1950—The Federal Program: A Specialized Bibliography*, was published in mimeographed form by the Bureau in November, 1950 and covers a wide variety of materials for the first ten months of 1950. Since 1940, the Bureau has published a number of other bibliographies concerning civil-military matters, a listing of which is contained on p. ii of Tompkins' 1953 bibliography on *Civil Defense in the States*.

The former Army Service Forces' *List and Index of Publications* (Washington, 1945, ASF Manual M800), although out of print, is a useful guide to

World War II logistical matters. Of interest to persons concerned with research and development management is the *Inventory of Technical Information Activities of the Department of Defense*, prepared by the Special Committee on Technical Information of the Defense Department's Research and Development Board (Washington, 1951, TI 202/6). While this 36-page publication is "restricted," an unclassified version was published in the December 21, 1951 issue of *Science*.

IV. OFFICIAL HISTORICAL PROGRAMS

Managerial history written under official governmental auspices is largely a development of World War II, resulting from need and encouraged by the personal interest of President Roosevelt. Today the principal military departments and agencies all have official historical programs and publications series. More and more the defense agencies have recognized that future action requires analysis of the past. Greenfield's book, cited earlier, outlines many of the developmental problems. Notwithstanding the seriousness of these problems, the progress of many of these programs has been remarkable and the publications comprise the most usable and useful secondary materials available to the student of military management for recent years.

The Army Program. The Army's historical program is under the direction of the Office of the Chief of Military History in Washington, and in terms of published volumes is the most impressive program among the services. Of most interest to political scientists are three series of volumes—the first dealing with World War I, the second with World War II, and the third with the Korean conflict. The first series consists largely of 17 volumes, primarily documentary, concerning the AEF, with the general title, *The United States Army in the World War, 1917–1919* (G.P.O., published between 1949 and 1951); this group of volumes has been supplemented by three additional volumes, *Order of Battle of the U. S. Land Forces in the World War, 1917–1919* (G.P.O., 1931–1950). The second series, under the general title, *The United States Army in World War II*, represents a projected program of about 90 volumes, of which approximately 75 have been published through the Government Printing Office or are in substantial progress. The third group of publications will consist of approximately ten volumes—half of them dealing with the military actions of the Korean conflict and the remainder with the concurrent national emergency effort. In addition, the Office of the Chief of Military History has prepared a wide range of special studies, pictorial volumes, special action studies, and reports, most of which are available through the Superintendent of Documents, along with the volumes cited above. For further information about these publications—as well as for information concerning its archives and collection of nearly 1,000 unpublished historical monographs, the bulk of which concern administrative and organizational problems—one should write directly to the Office of the Chief of Military History, Department of the Army, Washington.

The Air Force. While the Army historical publications have been prepared

largely by writers and researchers employed directly by the Army and engaged on "official" works, those of the Air Force and Navy have been developed under more mixed auspices. The general nature of the Air Force program is outlined in Air Force Manual 210-1, *Manual for Air Force Historians* (Department of the Air Force, Washington, 1952); however, very little bibliographical information is contained in the manual. The principal Air Force series of histories is known as *The Army Air Forces in World War II*, edited by Wesley F. Craven and James L. Cate (University of Chicago Press, Chicago, 1948-date). Six of the seven projected volumes have already appeared. The first five cover operations for the period from January, 1939 through August, 1945. The sixth volume and the seventh, which is still in preparation, deal primarily with administration and logistics and special services such as the Air Transport Command. However, the program is not limited to this series. As with the Army, a large number of monographs and other types of publications have been prepared. For further information concerning this program and the voluminous records and manuscripts assembled, one should write to the USAF Historical Division, the Air University, Maxwell Air Force Base, Alabama. There is also an Air University Historical Liaison Office in Washington.

The Navy, Marine Corps, and Coast Guard. The Navy's historical program is under the direction of the Naval History Division, Office of the Chief of Naval Operations, Department of the Navy, Washington. The general functions of this division are similar to those of the other historical agencies. Though there is now no manual for naval historians, the Naval History Division is in the process of preparing a publication to be called *Source Material for the History of the U. S. Navy during World War II: A Bibliography*. When available, this should be of considerable assistance to the student of naval management. The principal series of naval histories for our purposes here is the projected 14-volume analysis, *History of United States Naval Operations in World War II*, by Samuel Eliot Morison. More than half of the series has already been published through Little, Brown, and Company of Boston, with the final volume anticipated for 1959. Not an official product—though produced with official cooperation—this series is more personal in its analysis and approach than most of the other histories, and both gains and suffers from this fact. In addition to the Morison volumes, the Naval History Division has sponsored a considerable number of further studies, published under a variety of auspices; lists of these may be obtained from the Division. Unfortunately for the student of military management, the Navy and Air Force histories thus far published have paid relatively less attention to the organizational, logistical, and administrative aspects of military affairs than have the Army studies. As with the other historical agencies, the Naval History Division has a considerable quantity of archival materials, unpublished manuscripts, and other source materials under its control; access to these should be sought directly from the Division.

The efforts of the Historical Branch, G-3, Headquarters, United States Marine Corps, Department of the Navy, Washington, have largely been

directed toward the preparation of historical monographs concerning particular actions or campaigns. To date approximately 15 such monographs have been prepared and issued through the Superintendent of Documents. References to these publications as well as to other Marine Corps publications can be obtained directly from the Historical Branch. An additional volume of more than ordinary interest, especially for its treatment of amphibious doctrine, techniques, and organization—the specialty of the Marine Corps—is *The U. S. Marines and Amphibious Warfare* (Princeton University Press, Princeton, 1951), by Jeter A. Isely and Philip A. Crowl.

The Coast Guard has also been developing a series of monographs under the general heading of the *Coast Guard at War*, the bulk of which are expected to appear in a one-volume edition to be published by the United States Naval Institute, Annapolis, Maryland, under the title of *History of the Coast Guard in World War II*. Meanwhile one may consult Stephen H. Evans' *The United States Coast Guard, 1790-1915* (U. S. Naval Institute, Annapolis, 1949), which also contains a postscript for the period from 1915 to 1949. Information concerning these and other Coast Guard historical publications may be obtained from the Historical Section, Public Information Division, U. S. Coast Guard, Washington. This agency also issues a general bibliography of Coast Guard materials in the form of a small printed booklet called *United States Coast Guard Bibliography*, the last edition with which the author is acquainted being for 1950 (CG-230).

Subordinate Programs. The historical agencies listed above can, of course, give the researcher information concerning not only their own central historical programs but also the numerous programs of subordinate units, some of which are of considerable importance and extent. Besides its four volume contribution to the series, *The United States Army in World War II*, the Historical Section in the Office of The Quartermaster General has completed more than 20 monographs under the general heading of *QMC Historical Studies*, an example of which is *Methods of Forecasting War Requirements for Quartermaster Supplies* (1946, No. 14). The Quartermaster School, Fort Lee, Virginia, has prepared a 10-volume series, *Quartermaster Supply in the European Theater of Operations in World War II* (1947-1949).

V. ORGANIZATION AND MANAGEMENT IN THE MAJOR SERVICES

While all of the items already cited—especially those of Section II—deal to some extent with this topic, there are a few additional materials concerning each of the three major military services and their parent organization, the Department of Defense, in which the student of military management is likely to be interested.

The Air Force. Since the Air Force is the newest of the separate services, there is less written about it than the other services and the bibliographical literature is somewhat less adequate. However, for information concerning fundamental organizational and doctrinal theories—crucial to an understanding of military management in any of the services—one can refer to

Air Force Regulations and Air Force Manuals. For example, an understanding of AFR No. 20-1, *Organization-General: Organization Principles and Policies for the Air Force* (April 28, 1953), is essential to the study of the organizational theories upon which the Air Force is currently based. Air Force Manuals—for example, some of those in the 1, 25, 67, 172 and 400 series—are also a basic source of information concerning the rationale and organization of the Air Force. For secondary and a few primary materials, the various editions (eight up to date) of the *Professional Reading Guide for Air Force Officers*, prepared by the Air University and currently published as Air Force Pamphlet 36-5-1 (1954), are most useful, especially since the items are briefly annotated.

The Army. Still quite useful for its descriptive material is *The Army Almanac*, an official publication of 1009 pages prepared by the Armed Forces Information School (G.P.O., 1950), which is current as of October, 1948. Readings in this encyclopedia should be supplemented by more specific reference to Army Regulations and Special Regulations. Those of the 10 series are especially important for their relationship to Army organization, as are those of the 700 to 795 series for logistical information. From these one may turn to Army Field Manuals, particularly those in the 100 and 101 series concerning line-staff relationships, field organization and administration, and the Army planning system. FM 38-1, *Logistics Supply Management* (August, 1954), is also of special interest as the first comprehensive exposition of principles to guide the management of the Army's vast supply system. Among items cited earlier particular attention is directed to Department of the Army Pamphlet No. 20-200.

The Navy. A naval equivalent to *The Army Almanac* is in preparation, but no publication date has yet been set. The student interested in current naval management will want to give special attention to the next best source of information, the *Organization Manual of the Department of the Navy*, prepared by the Office of the Management Engineer, Department of the Navy (4th ed., 1951, NAVEXOS P-861), and to *The United States Navy*, an 86-page "Description of Its Functional Organization," also prepared by the Office of the Management Engineer (1952, NAVEXOS P-435). Study of these documents should precede any study of the single loose-leaf volume of *United States Navy Regulations* (G.P.O., Washington, 1948 to date) which outline the basic organization of the Navy in directives from the Office of the Secretary. Published for the Marine Corps—in accord with the above naval regulations and serving a somewhat more detailed purpose—is the three-volume, loose-leaf *Marine Corps Manual* (Headquarters, U. S. Marine Corps, Washington, 1949 to date). The 84-page manual, *The Navy at Sea and Ashore* (Department of the Navy, Washington, 1947, NAVEXOS P-472), is useful for an informal account of the organization and functions of the Navy and also contains some historical notes on the Navy's development. This should be supplemented by *The Navy: A Study in Administration*, a symposium reprinted from the Autumn, 1954 issue (Vol. 5) of the *Public Administration Review* by the Public Administra-

tion Service (Chicago, 1946), and by the 175-page study, *The Naval Establishment: Its Growth and Necessity for Expansion, 1930-1950* (Office of the Comptroller of the Navy, Department of the Navy, Washington, 1951, NAVEXOS P-1038).

Department of Defense. Information concerning the overall managerial problems of the Department of Defense is best obtained from the series of special studies commencing with those resulting in its creation and continuing with those which have from time to time resulted either in new legislation or in reorganizations of one sort or another. The Hoover Commission reports have been mentioned earlier and these are probably as good as any materials for a beginning. The most recent study of the Department as a whole, known as the "Rockefeller Report," is available as a committee print of the Senate Committee on Armed Services (83d Cong., 1st sess., April 11, 1953). It was in part on the basis of this report that the President submitted his proposals to Congress for reorganizing the Department in April, 1953.

At the same time, the President reported that the Secretary of Defense was initiating studies of the internal organization of the three major services. The Army was the first to publish the major findings of its study, known as the "Davies Report," a summary of which, under the title of "A Business Look at the Army," has been published in the July-August, 1954 issue (Vol. 32) of the *Harvard Business Review* and reprinted in the December, 1954 issue (Vol. 34) of the *Military Review*. The Navy followed with its *Report of the Committee on Organization of the Department of the Navy* (G.P.O., Washington, 1954), which is extremely useful for its summary of laws and regulations and its list of prior management studies and staff papers reviewed by the Committee. The author presumes that the Air Force report will soon be forthcoming. There have also been a number of overall studies of the organization of the Reserve components of the defense establishment, a general introduction to which can be obtained from the Spring, 1953 issue (Vol. 17) of *Military Affairs*, the entire issue being devoted to the topic, "The Reserves of the Armed Forces: A Historical Symposium."

VI. FOREIGN DOCUMENTS AND MATERIALS

A number of foreign countries, particularly Canada, Australia, India, New Zealand, and South Africa, have developed military history programs similar to ours. For a brief review of the activities in most of these programs—as well as of our own—see Gordon Harrison's article in the July 18, 1953 issue (Vol. 36) of the *Saturday Review of Literature*.

The principal journal devoted to the study of all aspects of World War II is the *Revue d'Histoire de la Deuxième Guerre Mondiale*, started in November of 1950 and published approximately three times a year under the editorship of Henri Michel, representing the Comité d'Histoire de la Guerre, Société d'Histoire de la Guerre, of the Centre National de la Recherche Scientifique. The coverage of this review is world-wide, although French developments are emphasized and the articles are in French. Of special importance is the annotated

bibliographical supplement which appears at least yearly. This bibliography is the only one regularly printed with world-wide coverage of military matters. It covers not only books and pamphlets but also many periodicals; and its reviews and annotations are most helpful.

Also of note is the extensive annotated bibliography covering both books and periodicals prepared by the Historical Office of the Army General Staff of the Italian Ministry of Defense. This is titled *Saggio Bibliografico sulla Seconda Guerra Mondiale* (Ufficio Storico, Stato Maggiore Esercito, Ministero della Difesa, Roma, 1949), and consists—together with a 1951 *Supplemento*—of 318 pages of relatively well indexed and annotated references relating to World War II, with the annotations in Italian. (In 1951 the author obtained this publication and the supplement for approximately \$1.50 through the Libreria dello Stato, Piazza G. Verdi, 10-Roma, Italy.)

For more specific purposes, one may consult such further sources as the accessions lists of the British War Office Library, the British Imperial War Museum, and the German (Stuttgart) Bibliothek für Zeitgeschichte. The papers presented at the 1950 Conference on World War II History, held at Amsterdam under the auspices of the Netherlands Institute for War Documentation, are also useful and may be obtained from the New York Public Library in the form of microfilm positives. Supplementing these efforts are those of at least two American agencies. One, the USAF Historical Division, is developing a German monograph program in which former key figures in the German Air Force are preparing for the USAF some 40 monographs on the GAF in World War II. Under U. S. Army auspices, a *Guide to Foreign Military Studies, 1945-1954, Catalog and Index* (Headquarters, USAREUR) was published in 1954, listing the manuscripts produced under the Foreign Military Studies Program of the Historical Division, U. S. Army, Europe. Most of the manuscripts have been prepared by former high-ranking officers of the German armed forces under the sponsorship of the American Army.

Finally, there are the well-known British annual publications, *Brassey's Annual: The Armed Forces Year-Book* (Macmillan, New York, 1886-date); *Jane's All the World's Aircraft* (Sampson, Low, Marston, London, 1909-date); and *Jane's Fighting Ships* (Sampson, Low, Marston, London, 1898-date). The latter two publications are least useful for our purposes, but the analytical introductions to their technical information sections are frequently helpful on other matters. *Brassey's Annual* consists, however, of a most provocative collection of authoritative articles on a wide range of British, other foreign, and American military problems of relevance to all the services. This is a major source of information, and, unfortunately, there is no American equivalent.

VII. OTHER TYPES OF SOURCES

Military Service Publishing Company. Of special significance is this publishing house located at Harrisburg, Pennsylvania, which issues such standard works as *The Articles of War Annotated*, *The Air Officer's Guide*, *The Army Officer's Guide*, *The Noncom's Guide*, *Essentials of Military Training*, and the

particularly well-known *Company Administration and the Personnel Officer*, by Col. C. M. Virtue. One may write directly to the company for listings of current volumes, of which the above are only a few.

Newspapers. Frequently illuminating are many of the more or less regular newspaper articles on military affairs by such well-known writers as Walter Millis (N. Y. *Herald Tribune*), S. L. A. Marshall (Detroit *News*), Hanson W. Baldwin (N. Y. *Times*), and Mark S. Watson (Baltimore *Sun*). Current happenings in the military world are likely to receive their first critical appraisals in the columns of these journalist-historians.

Fiction. Finally, there is the increasing amount of fictional material relating to military operations of all sorts. Reference to a considerable number of volumes can be obtained from the last two editions of the Air Force Pamphlet 36-5-1, cited earlier, and occasionally from the "Military Library" section of *Military Affairs*. Fictional materials can frequently be used to considerable advantage, for they often convey the feel and sense of motion of military events as few nonfiction works can do; some of them, such as C. S. Forester's *The General* (reprinted by Bantam Books, New York, 1953), have been of influence in military circles.

VIII. CONCLUSION

While this survey has tended to emphasize the difficulties of research into military management, there is, nevertheless, wide opportunity, provided the prospective researcher knows what he wants and is willing to spend the time and energy necessary to obtain it. Though a few of them have been referred to above, the gaps in our knowledge and understanding of military management are too numerous to catalog here. However, for one useful listing of possible research topics—which could be duplicated many times over for all the military agencies—see the 21-page outline of *Suggested Fields for Theses of Military Students in the Social Sciences and Business Administration*, prepared in 1952 by the Office of the Chief of Military History, Department of the Army.

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BOOK REVIEWS

Power through Purpose: The Realism of Idealism as a Basis for Foreign Policy. BY THOMAS I. COOK AND MALCOLM MOOS. (Baltimore: The Johns Hopkins Press. 1954. Pp. 216. \$4.00.)

The Limits of Foreign Policy. BY CHARLES BURTON MARSHALL. (New York: Henry Holt and Co. 1954. Pp. 128. \$3.00.)

Civilization and Foreign Policy: An Inquiry for Americans. BY LOUIS J. HALLE. (New York: Harper and Bros. 1955. Pp. xxviii, 277. \$3.75.)

Power and Policy: U. S. Foreign Policy and Military Power in the Hydrogen Age. BY THOMAS K. FINLETTER. (New York: Harcourt, Brace and Co. 1954. Pp. viii, 408. \$5.00.)

Realities of American Foreign Policy. BY GEORGE F. KENNAN. (Princeton: Princeton University Press. 1954. Pp. 120. \$2.75.)

These five volumes deal broadly with basic general problems of American foreign policy. C. B. Marshall is explicitly concerned with limitations on that policy; Thomas K. Finletter writes mainly about armament and partly about disarmament; the remaining three attempt a more general view. Four of the books are by men who have recently held responsible offices in Washington; one is by two political scientists from Johns Hopkins. All of them have qualities, and one is first rate.

Power through Purpose is a product of the curious debate which has been proceeding within academic walls in recent years between Professor Hans J. Morgenthau and all comers. While much of this debate arose from misunderstanding, and some of it from annoyed response to annoying overstatement, it has in the end produced a good deal of careful thinking and sensible writing. This book is an example.

The first half of the book deals with views which the authors find insufficient; it is effective. In series Professors Cook and Moos dispose of isolationism, individualism, legalism, nationalistic self-interest, and power politics as unsound bases for American foreign policy. Within the limits of a necessary brevity (and this part of the book seems too long as it is), they deal carefully and reasonably with those whose arguments they reject. The rejection is not always based as squarely on fundamental theoretical points as the authors tend to assume; in some measure their rebuttals are merely tactical and might be weakened on a varying estimate of present facts. (Is it quite clear, for example, that balance-of-power politics has no present relevance?) Nevertheless, in the main the targets are squarely hit, and the authors earn their right to propose a different view. This is an achievement; probably the conclusions reached are shared by most serious students, but to get to them responsibly, persuasively, and fairly is not easy. None of the other volumes here considered, with the exception of George Kennan's, deals so well and reasonably with the positions it opposes.

The second half of the book is less convincing, though there is much good in it. The assessment of the basic American purpose in foreign affairs is strong, and there are some fresh and incisive comments on the consequences of this view for foreign economic policy; it is good to see the important work of Charles Beard in this area made relevant by an imaginative translation to present necessities. But I cannot avoid the feeling that the authors have stiffened their theoretical framework beyond necessity and even beyond reality, so that they are led to urge policies which would not advance the very purposes they set as basic. I do not think that insistence on "our way of social life" implies the desirability of trying to force the Russians to reform or leave the United Nations, because I believe that the consequence of such an effort would be to isolate us in large measure from those with whom we are trying to make common cause. Perhaps other non-Communist nations ought to see the matter as Professors Cook and Moos see it, but it is a stubborn fact that they do not, and policy must be framed accordingly. Similarly I must doubt that "the freedom of every people from an alien and imposed domination is a condition of that collective security which is our own interest and ideal." Every people is too many, and it is really wrong to suggest that our commitment to all who fall under tyranny "must be a restatement of General MacArthur's celebrated 'I shall return.' " MacArthur's was a pledge in declared and general war; short of general war such pledges can only too easily become words without deeds, and we have Professors Cook and Moos themselves, in an earlier chapter, to remind us that this is not the formula for effective policy. Though the last paragraph of the book has a strange phrase about the need to "make war *à outrance*," I find it hard to believe, from the rest of the argument, that the authors are really thinking of general war as a current instrument of national policy.

One antidote to the somewhat didactic and imperious tone of the latter part of *Power Through Purpose* is *The Limits of Foreign Policy*. Mr. Marshall's style is racy and amusing, and his book is full of stories, many of which are neatly appropriate to his argument. His central point is simple and well-taken: you cannot have what you want in foreign affairs by wishing for it, and too many Americans have thought and still think that you can. Mr. Marshall deals trenchantly with people who think this way, and he has a sharp eye for many of their characteristic errors: we forget that other nations are not boxcars to be shunted around by an American locomotive; we forget that legislation, in and of itself, gives no certainty of achievement; we forget that victory is not peace in our time but only a prevention of defeat; most of all we tend to forget that the only certainty in human affairs is uncertainty, and that plans and policies must be contingent and flexible. While these errors are now widely recognized, there remains in most of us a tendency to become firm about our preferences and certain of our convictions, and most convictions involve a substantial expectation of results. It is well to be reminded in such good humor of the point which Mr. Kennan sums up in a phrase: "We must be gardeners and not mechanics in our approach to world affairs."

But Mr. Marshall overstates his case. In part, of course, this is the natural result of his deliberate emphasis upon limits—he has not tried to state the range of real options, or to discuss in detail the possibilities and necessities of modern American policy, though there are brief passages, on both purpose and action, which make it clear that he is no defeatist and no advocate of passive surrender to the unpredictable. Nevertheless, the flavor of this volume is negative, and too certainly negative. In some degree it is an example of another form of easy error, the error which supposes that a sound general answer to problems of foreign policy is that there are no sound general answers. The proposition is self-contradictory, and Mr. Marshall seems unaware of the implications of this self-contradiction. By a sound instinct, he seeks illustration and enlightenment from history, but his view of history is uneven. The Kellogg-Briand Pact was not much help, but neither is it helpful to exaggerate the expectations of those who brought it about; and the follies of our neutrality legislation must be understood before they are denounced, lest we forget that there too politics was a matter of choice and uncertainty; many a statesman of that period could read Mr. Marshall a sermon on the limits of foreign policy. No doubt he could reply that he is not so much attacking statesmen as the forces that controlled them, but the answer too suggests a question for the present. While it is important to know how much we are limited, may it not be dangerous to suppose that the limits are fixed and given? It would be foolish to suppose that Mr. Marshall thinks any such thing; he has a wide experience of major efforts to expand the scope of policy and enlarge our field of action. But his book does not do him justice; like much of what has been said and written by those who left Washington in 1953, it reflects too much the general weariness with folly which is a natural result of service in responsible office, and too little the sense of purpose and leadership that marked the service itself.

Like Mr. Marshall, Louis Halle served as a member of the Policy Planning Staff of the State Department in the able team assembled by Paul Nitze under Mr. Acheson. Though their books are very different, the common influence on them is evident. Indeed, one value of these volumes is that they help to illuminate the pattern of thought of an important group in an important period. Mr. Halle's *Civilization and Foreign Policy* has another value for the student: the introduction by Dean Acheson has a most interesting statement of his view of the way a Secretary should work with his Department; if some of what is said may have been intended less as a commentary on his own stewardship than on what has happened since, that does not lessen its meaning.

Aware as he is of limits and follies, Mr. Halle has given his central effort to an enterprise that Mr. Marshall, judging by his book, would find of doubtful value. He seeks to develop for foreign affairs "an applicable body of theory," for which he felt a deep need "as a practical man dealing with practical problems." Sharing the general dissatisfaction with the governing ideas of the '20's and '30's, he starts from experience and history toward the same goal as Professors Cook and Moos. Some of their conclusions he shares: a nation's purposes in foreign policy are defined by its purposes as a society, and the two

cannot be separated; in our case the purpose of a free society implies a coalition with those of similar intent both in opposition to the Soviet Union and in meeting our own problems. The conclusions are not startling, but they are well reached in both cases, and it is interesting that they can be reached in such different ways.

The weakness of Mr. Halle's way is not so much in his thought as in his exposition. He takes much too long about it. Some of his detours, like the examination of sea power and land power, are thin in themselves and largely irrelevant to his main argument, while whole chapters on such familiar subjects as the nature of the Soviet threat and the impossibility of isolation could well have been reduced to single paragraphs. In his preface Mr. Halle tells us that the book is a product of a private inquiry, and that its chapters "almost wrote themselves." A book presented to the public may well have this origin and this first draft, but it is not finished without much more.

Yet *Civilization and Foreign Policy* reveals a sensitive and perceptive intelligence. Mr. Halle's analysis of the interlocking connection between force, consent, and legitimacy is of real interest and importance, and the passages connecting his theory to such important questions as our policy toward China are generally persuasive. Less clear and careful, perhaps, than Professors Cook and Moos in the derivation of his general principles, he is more skillful and less dogmatic in their application.

Thomas K. Finletter is one of the small group of able and disinterested men who came to government during the second war and have continued since, more on than off, to carry major administrative responsibilities. Mr. Finletter's most recent service was as President Truman's Secretary of the Air Force. In that high office he was responsibly concerned with such great questions as the level of the various parts of our armed strength, and the basic way of making this and other big decisions. Mr. Finletter has proved in many writings that he has an unusual gift for lucid and persuasive analysis. In these circumstances the student would expect to find in his *Power and Policy* a major contribution to an extraordinarily difficult and important subject—a subject, moreover, on which good writing is rare. It is therefore no pleasure to have to report that his book is deeply disappointing.

Much of the trouble is not of Mr. Finletter's making. His central and controlling concern is to argue that we must have what he calls overwhelming air-atomic superiority and that we are not getting it. This is an argument which turns on quantities and qualities, many of which are necessarily secret; moreover, even what is unclassified or has been accidentally revealed must often be treated with reserve by a man whose work has made him so well-informed that his own statements or estimates are bound to be of interest to Soviet analysts. Thus there is good reason for Mr. Finletter to write with a careful eye on what he may or may not discuss, and in some measure it is right that we should be asked to take his conclusions on faith.

What is disappointing in Mr. Finletter's book is, first, that he does not seem at all conscious of the fact that such an act of faith is necessary for most of

what he says, and second, that he relies on assertion rather than argument far beyond the limits set by a need for discretion. What does it mean to speak of "overwhelming" power "overwhelmingly" defended? Mr. Finletter makes this word carry much of his argument, and yet he has able passages on the impossibility of any very high level of defense. He asserts that what is necessary is a clear capacity to absorb a heavy blow and then "destroy the Russian state." What this phrase means he does not say, or even try to say. On Soviet intentions Mr. Finletter is sometimes pretty flat, but the arguments to support his certainty are thin—his account of Russian air development can be read against his thesis as well as for it. The cumulative effect is that of a certainty which relies on repetition and overstatement more than on reason and respect for opposing views. This would not matter much if Mr. Finletter's thesis were trivial and his competence doubtful. Since his argument is important and his claim to a view unquestionable—since, indeed, he may well be terribly right—the weakness of the analysis is distressing. And unfortunately these same comments apply to Mr. Finletter's later discussion of the need for disarmament.

Power and Policy is nevertheless a book which students of our military policy and the way of its making must find of great interest. Its best passages are those which deal with the process of decision on the level of armed strength. Here Mr. Finletter is his more usual clear and persuasive self; there may be ground for some doubt that his answers are the only ones available—in particular I am not sure that the overall budgetary ceiling is as hard to change as he implies—but the basic analysis is illuminating, not only in itself, but for what it shows of the way a notable Secretary has faced his difficulties.

The shortest and best of the books at hand is *Realities of American Foreign Policy*, George Kennan's Stafford Little Lectures of 1954. Mr. Kennan has a great initial advantage in his mastery of the English language—the subtle precision and felicity of his prose are a welcome change from the pseudo-simple Pentagonese that has invaded Mr. Finletter's writing. Probably also he has an advantage in the limits of space imposed by the Stafford Little platform; he has no room for the repetitions and simple long-windedness that mar most of these other books. Mr. Kennan has the further advantage that he is at once a professional diplomat and a serious student, and has been both for a long time.

The book which results is one which other students must read with admiration. If on one point or another there is some disagreement (as there is for me with part of Mr. Kennan's indictment of our early twentieth-century policy), there is the great compensation that the cool and generous style leaves room for difference and even accommodation; the main line of the argument is not overthrown by occasional divergence, and the discussion leaves the reader sympathetic even where he differs. Mr. Kennan is modestly and steadily concerned with illumination, not with debating. The book does deal with much-debated questions, for Mr. Kennan has accidentally become a symbol of the so-called policy of containment, but his superb discussion of this problem has the proper purpose of showing that in reality "containment and liberation are only two sides of the same coin." Repeatedly he deals with large and hard ques-

tions which have well-known shorthand forms: traditional diplomacy versus the United Nations, law versus change, moral purpose versus reality, generosity versus firmness in dealing with our allies. Each time he has a definite view, but always this view has a depth and comprehension that make the simple opposition show its lack of real meaning.

The most startling passages in *Realities of American Foreign Policy* deal not with what we have historically recognized as foreign questions, but with our behavior on such great issues as immigration, tariff policy, cultural concern, conservation, urban redevelopment, and simple self-respecting liberty. Mr. Kennan argues that for reasons of policy as well as national purpose wide changes in our behavior on these matters are badly needed. In his short and sweeping statement of this view he does seem to give little attention to the size of the demand he is making, not so much on our people as on our political processes and presuppositions. In every one of these great problems the *status quo* is surrounded by heavily armed batteries of defenders. In a sense, then, Mr. Kennan here offers not a program of what is practicable, but a standard of what is inescapably necessary. But while it might be useful to expose his program to some warning on the limits of domestic policy, it is hard to avoid the conclusion that he has eloquently stated some major tasks that can be let slide only at grave peril. He is certainly right that as a nation we can attack these tasks whenever, as a nation, we will. Since I share his view that in these fields the right course is plain and plainly urgent, I believe that a call to action is fair.

When all carping is done, these books, with others, mark a forward step in our study of foreign affairs. The academic men are perhaps still too certain about practical issues, and the men who have held responsible offices are sometimes too sure that there is no other road to wisdom—Mr. Marshall has a particularly blunt sentence to this effect. But both sides are coming to a recognition that the real issues have a depth and range which was not covered by traditional American work in international relations, whether by diplomats or professors. It is also encouraging that both sides, as they wrestle with the problem, appeal often to history. Mr. Halle is certainly right in asserting the high present relevance of Thucydides.

At the same time we must understand also how much remains to be done. There is much appeal to history in these volumes, but it is often not very good history. At least two of these books seem confused about our entry into World War I; two are at direct odds over the meaning of the League of Nations, and both seem incorrect to me. History is the right teacher, I believe, but her lessons are not at the surface. Moreover, this is a new age for the United States, and it follows that recent history has a peculiar importance. So one must hope that these able men, with others, will be willing to go on from their general statements to an examination of the detailed issues and events with which they have had such close connection. We need to know more of the issues that Mr. Marshall found in practice to be so closely balanced; we could learn from Mr.

Halle's view of Chilean copper. Mr. Finletter has much more to tell us about decision making, and Mr. Kennan is one of the very few men in the country who might spread on a large historical canvas the kind of wisdom he has here so clearly sketched.

As such studies continue, we who are in the universities may be able to continue the kind of work of clarification and discrimination that Professors Cook and Moos have done; we might also contribute to the writing of relevant history. And perhaps as the work goes on, we shall all get past the need to deal at length with the relatively obvious—for there is much in each of these books that overlaps at length with one or more of the others. Then, indeed, the study of our foreign affairs might begin to come of age.

McGEORGE BUNDY.

Harvard University.

A Report on the Behavioral Sciences at the University of Chicago. (Chicago: The University of Chicago Press. 1954. Pp. 180. \$2.50. Supplementary Documents, pp. 144. Mimeographed.)

The Behavioral Sciences at Harvard. REPORT BY A FACULTY COMMITTEE. (Cambridge: Harvard University Press. Pp. 518. 1954.)

Survey of the Behavioral Sciences. REPORT OF THE FACULTY COMMITTEE AND REPORT OF THE VISITING COMMITTEE. (Ann Arbor: University of Michigan. Pp. 237. 1954.)

The University of North Carolina Survey of Behavioral Science, 1953-1954. (Chapel Hill: University of North Carolina. Pp. 604. Mimeographed.)

The Stanford Survey of the Behavioral Sciences, 1953-1954. REPORT OF THE EXECUTIVE COMMITTEE AND STAFF. (Stanford: Stanford University. 1955. Pp. 172; Appendices, pp. 163. Mimeographed.)

In March, 1953, the Behavioral Sciences Division of the Ford Foundation announced that it seemed "an appropriate time for a small group of American universities selected from among those providing leadership in this field to take a systematic look at the state of the behavioral sciences at their institutions and to express their needs in terms of detailed plans for development and improvement." Fifteen places with active graduate work were invited to submit plans of self-survey; five were chosen on the basis of the quality of these plans and such factors as geographical distribution. An award of \$50,000 was made to each, about two-thirds being for the support of a committee of the university's own faculty and administrative staff including released time for its members. The remainder was to facilitate the work of a visiting committee selected jointly by the institution and the Foundation, which was to assist the home committee and review its conclusions.

The survey was to take about a year. Typically it involved considerable questioning of faculty members. At Harvard, for example, every fourth member in half a dozen departments was chosen by lot for a lengthy confidential interview and comments were obtained from nearly ninety percent of the

graduate students in these departments. As for the visiting committees, the Foundation suggested that they should "typically include leaders in the behavioral sciences from other universities, scholars from other disciplines, and laymen with a background in the scientific study of man and in its application to human affairs." The visiting committee for Michigan, headed by V. O. Key, met at Ann Arbor four times for spells of several days. From such efforts came the five lengthy volumes of self-survey and the brief final reports of the visiting committees. In addition an unpublished memorandum of overall comment was prepared by the Foundation representative, W. Allen Wallis, who accompanied the visiting groups.

The Foundation's prospectus said that the recommendations of the home and visiting committees should be "workable planning documents for the improvement of the scientific study of human behavior at the institution for a period of about five years." It suggested that attention should be given to such matters as the following: basic objectives for the behavioral sciences at the university; relations among its parts; the quality and number of students and their preparation; areas of special university competence, with an eye to division of labor among universities; the nature of the research program; the curriculum, including alternative graduate programs and relationships between professional and research training; strengths and needs of personnel; the character of "the intellectual atmosphere for the development of scientists and scholars"; and "the application of behavioral knowledge and contributions of the behavioral sciences to public life."

Inquiries so designedly self-centered naturally resulted in much detail of mainly local bearing, although suggestive even as detail to curriculum-builders and directors of graduate work and research everywhere. Harvard's home committee remarks that its most important audience is the Harvard community, although it hopes to find "a second audience in the academic profession outside Harvard, especially in the behavioral sciences." The visiting committee considered this report almost a model piece of work: "thoughtful, comprehensive, and, above all, factual." The Chicago home committee says frankly that "in writing this report we address ourselves to our own university community." It notes that the study has already "set in motion discussion and considerable self-examination of groups within the university; it has brought together faculty with common interests; and parts of our recommended program are already launched." Here the visiting committee regretted the generality of some key aspects of the report. At Michigan, however, the visiting committee was "struck by the number and scale of the proposals for expansion." Breadth of survey, it thought, had been sacrificed to "interest in locating and defining specific behavioral science projects, old and new, worthy of support." Nor did it believe that the home committee had sufficiently followed the Foundation's request to consider the division of labor among universities generally. The same regret was voiced by the visiting committee about the Harvard report. As a matter of fact, that report does mention the unwisdom of duplicating the impressive equipment, experience, and service of the Michi-

gan Institute for Social Research which in 1948 brought together the Survey Research Center (taken over two years before from the Department of Agriculture's division of program surveys) and the Research Center for Group Dynamics, projecting Kurt Lewin's impetus. If the visiting committee at Michigan found that the report shows "a certain narrowness in the conception of 'behavioral science,'" the visitors recognized that it properly reflects the distinctively empirical stress of behavioral science at Michigan, "distinguished for the energy and ingenuity with which it has developed methods and facilities for such observation and analysis."

It is fair to add that the Michigan report does canvass the questions to be resolved in seeking an optimal balance; its list might well be a prospectus of the issues that underlie the subject of these volumes: interest in formal theory versus empirical data; fundamental versus applied research; concern for method versus the substantive aspects of problems; a conceptual basis in a single discipline versus a basis in more than one; individual versus collaborative research; concentration of activity in a research organization versus its distribution among departments; free funds versus restricted contracts or grants; the demands of research versus those of teaching.

The point of general significance in all this is what is betokened by the vogue of the term "behavioral sciences." The Ford Foundation notably helped to give it currency by applying the name Behavioral Sciences Division to what had been called its program of individual behavior and social relations. The announcement of the plan of university self-surveys said: "The term 'behavioral sciences' refers to all those intellectual activities which contribute to the scientific study of human behavior." It neither includes nor excludes academic disciplines as such. "In this program," the invitation declared, "the Foundation is concerned with the university's total resources for the scientific study of man's behavior." Thus the scope turns on the meaning of two words: behavior and scientific.

The participating universities give somewhat different answers to the always puzzling question of what to include. The Harvard report takes the term broadly and rather simply, almost as another way of saying social science, interpreting it to cover anthropology, economics, government, history, psychology, and sociology, with their applications in business, education, law, medicine, public health, and elsewhere. Even more simply, Stanford identifies certain departments and institutes as the core units of study. The Harvard group notes in passing that a case could be made for including much of biology and, on the other side, "philosophy or scholarship in various fields of literature." The humanities-natural sciences axis is seen as a continuum; departments and, even more, individuals are variously distributed along this axis. The North Carolina report observes that the term "behavioral sciences" has only recently come into general use and that none of the proffered definitions is successful. "Broadly speaking," it suggests, the term "refers to the activities and knowledge more commonly known as social science, except that the more philosophical and legal aspects of social science are excluded, and certain por-

tions of biological science are included." More revealing than this general comment are the remarks in the section on "political behavior"—of which I shall speak later—where the words are understood to indicate an approach, not a field. At Michigan the survey committee stated that the term "behavioral sciences" is "of recent coinage, and its meaning is neither precise nor stable." Generally they prefer to be guided by "the most explicit and authoritative definition," that of the Ford Foundation's division in its 1953 annual report. Their survey concentrated on the departments of anthropology, economics, political science, psychology, and sociology, the social psychology program, and the Institute for Social Research.

The Chicago report, seeking the concept behind the label for something "still in process of creation and definition," points to a clue in the words "objective description of regularities." It recalls that the Foundation's prospectus said: "the central focus consists of a dominating interest in the nature of humanity as that nature may be understood through objective description of regularities." At Chicago the disciplines of psychology, anthropology, and sociology are assumed to be close to the focus. Off at one corner, in a domain without precise limits, stands biology; at another the physical sciences and mathematics; at another the humanities. In this spirit the Chicago report underscores the canon of predictability. "We must all recognize," it says, "that all behavioral science studies must result in propositions that lend themselves to that confirmation which is the goal of all science." It argues further: "An idea is good not simply because it is exciting, not just because it is about some socially important problem with consequences for action; to be good an idea must also be true in the sense that it generates non-contradictory predictions that are confirmed and it is important that it generates many such predictions."

It is peculiarly of interest here as well as emblematic to consider the meaning given to "political behavior." The Harvard committee, admitting much disagreement about what is indicated, finds one connotation clear and generally accepted. "It is a methodological connotation and makes 'behavioral' studies those involving direct, empirical observation of how people behave in particular situations." The North Carolina report, outstandingly enthusiastic about the concept, paraphrases and reinforces the statement of the 1951 summer conference sponsored by the Social Science Research Council. "As a focal area," it says, "the study of political behavior is not set apart from other aspects of the study of government or of politics by virtue of a unique body of subject matter." Rather it is "one 'approach' or 'way' to study most of the customary subject matter of political science." It extends to "the whole range of behavior patterns which reflect power and influence in the relationships of men to men and, therefore, lie at the heart of the process of governing." Elsewhere the report remarks that "behavior is commonly understood to refer to the goal-seeking activities of human actors." The stress falls heavily upon methods suited to "discover uniformities in the actual behavior of men and groups in the process of governing" and to show the extent of their prevalence. Two

things are necessary to develop generalizations and in time to formulate a theory about human behavior: major reliance on empirical methods and rigorously systematic research. Therefore hypotheses to be tested must be stated explicitly and they must be tested "through the careful ordering of empirical evidence in a fashion that can be validated by successive research efforts." This emphasis, it is said, "means a departure from the normative character of much research in political science." But the evangel of citizenship is not disavowed in the North Carolina report. A reason for the growing urgency of understanding more about political behavior is to develop "politics adequate to cope with the problems of modern government" at all levels. Among other advantages, "the political scientist can now teach 'real life' party politics, replacing myths with analysis of observed behavior in the political process," helping future party leaders, public officers, and citizens alike. The capstone of the appeal is completed by adding another phrase of the day: such studies, it is said, afford one way by which political scientists can serve the cause "of working for a more rational process of public decision-making." With all respect both for the truth and for the political scientists who seek this sort of truth fall the bitter chips where they may, I suggest that the net result may be the opposite.

Except at North Carolina, political science departments do not appear in these five university self-surveys as prime factors in the development of what is called behavioral science. Harvard's department of government, drawing more undergraduate majors than any other in Harvard College, shares a general university tradition in its "emphasis upon theory and perhaps history," with "hospitality to normative points of view." The survey, however, not only mentions V. O. Key's push toward field work but also takes account of Pendleton Herring's pioneering in the preparation of cases in public administration. On the graduate level, 15 percent of the Ph.D. degrees given at Harvard in 1952-53 in the behavioral sciences were in government, 30 percent in economics, and 31 percent in history, but only 12 percent in psychology, whereas in the country as a whole the corresponding percentages in 1952 were 11, 17, 22, and 37—the last figure reflecting a significant as well as spectacular increase that is not without traces of danger when considered in relation to the manipulative itches of our times.

The exponents of the behavioral approach are sensitive to the charge that they are preoccupied with method. The Harvard survey observes that "the uneasy middle position of the work in the behavioral sciences, lying somewhere between the humanities and the natural sciences, leads to a heavy preoccupation with methodology." A more appreciative view is the declaration of the North Carolina committee that "behavioral science training cannot at the present time neglect paying the broadest kind of attention to methodology," since "scientific knowledge basically rests on observation and description, and on the conceptualization of phenomena." Chicago argues on the basis of local experience that "a strong and rather uniformly distributed interest *in* method" there is not found inconsistent with "diversity *of* method." But the plural

harmony indicated in this comment is qualified by the visiting committee's finding (in its appraisal of the self-survey at Chicago) that, whatever its limitations, the survey had at least enforced attention to "the existence of challenging unresolved issues among the exponents of various approaches to learning in the university faculty (notably between those whose focus is primarily on ideas and those who center their hopes in the exploitation of quantifiable empirical data.)"

The question of method is partly one of individual or team work. The enthusiasts for behavioral science as an approach accept and extol the degree to which it is collaborative. The disciplines differ in degree as do the individuals within them. At Harvard it is noted that "most of the historians and political scientists are lone wolves in their research. Most of the anthropologists, psychologists, and sociologists do at least part of their research in team projects. The economists are more divided."

The methods of behavioral science are costly. At Michigan only ten percent of the projects in the inventory are conducted without any special financial assistance. Yet all the surveys testify to the risks, if not existing dangers, involved in the heavy and relatively increasing dependence on restricted funds. At Chicago (where the ratio of such dependence has increased nearly five-fold in less than a decade and a half) the home committee soundly declares: "The development of a genuinely distinguished faculty—through commitments to people of positions on the academic ladder and of tenure—is realistically possible only from general funds of the university."

It is the possibility of distortion and disproportion, however unlikely such an outcome, that gives pause in praising the ferment reflected in the volumes under review. The hill must be climbed by many paths and, central though man is, there is more than one hill to climb. Looking hard at things is not the end or even the beginning of wisdom but to look hard is supremely important; it is as important for the artist, say, as for the natural scientist. One looks in various ways, however. One way is historical, the traditional and prevalent method of many social disciplines. Those who use it may well say that even the natural sciences—and not solely those that deal with organic life—push this method of direct observation as far as microscopes and telescopes will carry; whenever they can they watch things happen and build analysis on narration. It is because the ultimate details cannot be seen that inferences must be drawn from apparent repetition.

So far as regularity and uniformities are concerned, must there not be a fundamental difference of direction between the drives of the physical and social sciences? The first brushes past apparent diversities and, as its main thrust, probes for the suspected underlying simplicities of the physical universe. Such, for the present at least, is its fitting as well as understandable *élan*. But the studies of man's behavior, individually and in association, in description as well as prescription, must, I think, ever face toward diversity. From this standpoint I confess I wince at some of the phrases I have quoted

as goals of behavioral science, although I am aware of the presumed wider context in which they are uttered.

One notes in these surveys an insufficient though not wholly absent attempt to differentiate types of inquiry concerned with "the objective description of regularities," on the one hand, and, on the other, studies that emphasize policy, whether in "cases" or otherwise. For in the latter types of studies the double essence is the variety of combinations and the value judgments that enter into policy choices. Many different influences are indeed enriching the field of attention called political science. With boundaries going down, its peculiar center, I believe, must continue to be the intersection of lines that represent structure, process, policy. Maintaining contact with this center, it can move out along any line. The line of structure is the structure of the state; the line of process includes how men think, associate, decide.

How could political science face its distinctive task without being normative? Its especial concern is the motives and major apparatus of conscious adjustment. Here it is not enough for theory to shape itself as an explanation of facts; it must seek to lead them. This too is behavior.

Space has not permitted me, amid the many injustices of these fragmentary comments on voluminous reports that cover the varied work of many hundreds of creative scholars, to do justice to much suggestive material on the recruiting and training of students within and across disciplines. Graduate students, as the Chicago report observes, "must see the faculty at work in order to know what the discipline really is." In this sense more of the atmosphere of apprenticeship without exploitation is desirable. The crucial need is the initial recruiting of promising personnel. At the undergraduate level it is not important, nor even preferable, that the student major in the field of his later concentration. It is imperative that he have the galvanizing experience of observing human beings directly under conditions that give a glimpse of how a measure of system can be brought to bear in watching and reporting the richness of their responses.

ARTHUR W. MACMAHON.

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Freedom and Control in Modern Society. EDITED BY MORROE BERGER, THEODORE ABEL, AND CHARLES H. PAGE. (New York: D. Van Nostrand Company, Inc. 1954. Pp. xii, 326. \$4.50.)

To honor Robert M. MacIver, some 15 of his former students and colleagues combined to produce this excellent volume. The contributors include a galaxy of distinguished scholars from a dozen different institutions and many social science disciplines. Fourteen essays are devoted in one way or another to two major problems on which Professor MacIver himself had written, one being "Social Control, the Group and the Individual," and the second "The State and Society." The first group includes "The Internalization of Social Controls," by Gardner Murphy; "Friendship as Social Process: A Substantive and Method-

ological Analysis," by Paul F. Lazarsfeld and Robert K. Merton; "The Problem of Authority," by Robert Bierstedt; "The Political Process in Trade Unions: A Theoretical Statement," by Seymour Martin Lipset; "Social Groups in the Modern World," by Florian Znaniecki; "Social Structure and Goals in Group Relations," by Milton M. Gordon; and "Ethnic Groups in America; From National Culture to Ideology," by Nathan Glazer.

Group two, on the state and society, includes essays on "Individual Liberty Today: Challenge and Prospect," by Thomas I. Cook; "America's Changing Capitalism: The Interplay of Politics and Economics," by J. M. Clark; "The Demographic Foundations of National Power," by Kingsley Davis; "Social Change in Soviet Russia," by Alex Inkeles; and "The Utility of Political Science," by George Catlin. The volume appropriately concludes with two further essays on "Robert M. MacIver's Contributions to Sociological Theory," by Harry Alpert, and "Robert M. MacIver's Contributions to Political Theory," by David Spitz.

The high quality of the entire volume makes it difficult to summarize in whole or in part. Social scientists of widely differing interests will find here new insights on some of the most difficult problems in the broad and complex fields of sociology and political science. Moreover, they will lay the volume down, as I have, with renewed admiration and respect for Robert MacIver's contribution to both of these fields. I particularly commend to my colleagues in political science Seymour Lipset's analysis of "The Political Process in Trade Unions," J. M. Clark's essay on "The Interplay of Politics and Economics," and Kingsley Davis' "The Demographic Foundations of National Power." Professor Lipset's brilliant theoretical statement offers the best single critique of Michel's iron law of oligarchy that I have seen. In his analysis of the "internal politics" of trade unions, he proposes a number of tentative propositions that have application far beyond the narrow framework to which they immediately relate. I select a few at random by way of illustration:

It may be stated as a general hypothesis that the greater the number of independent sources of power and status in an organization, the greater the possibility that alternative factions or parties will be established to oppose the incumbent parties.

The more a given group holds a democratic anti-elitist value system, the more difficult it should be to institutionalize oligarchy. . . .

One would, therefore, expect to find among the unions in which the conditions for the maintenance of oligarchy are not stable, a greater proportion of the two extremes, democratic institutions and dictatorial mechanisms.

The more narrowly an organization defines its functions, as fulfilling limited and specific needs, the less likely the member will feel the need to participate in and influence the policies of the organization.

The ease with which an oligarchy can control a large organization will vary with the degree to which the members are involved in the organization.

In an appendix to Professor Lipset's chapter appears an analysis of some of the methodological problems involved in the study and evaluation of these and

other propositions. I have singled out also J. M. Clark's essay on the "Interplay of Politics and Economics," mainly because of his renewed emphasis upon the integral relation of these two important fields of study—upon what used to be called "political economy." In doing so he offers something of a challenge to contemporary economic theory, which seems too often unrelated to the world of reality. For example: "Economists naturally want a theory of the forces determining wages. Their inherited theory—that of marginal productivity—is a theory of competitive equilibrium, and its relevance is obviously called in question by modern forms of collective bargaining." Professor Clark suggests that labor theory might gain in both realism and relevance if labor unions were regarded as primarily political entities.

Kingsley Davis offers in summary a test for greatness among nations that might well serve as a basis for a college course in power politics. "We have now covered," he writes, "from a demographic point of view, some of the traits of a powerful nation. Such a nation is one that has a large population, a rich and extensive territory, an industrial economy, a high proportion of its people in nonagricultural pursuits, a high degree of urbanization, a low agricultural density, a great amount of public education, and a balance of low fertility and low mortality. Few nations in the world have all of these attributes. Those that have them we call the Great Powers." Professor Davis would be the first to admit that this is not a novel idea, although unfortunately it is one too frequently forgotten in much contemporary writing and debate on foreign policy.

It would be impossible to do full justice in a brief review to the many ideas packed within the covers of this *festschrift*. Robert Bierstedt's analysis of the problems of authority should commend itself to readers who value logic, clarity, and modesty in social science literature. Nathan Glazer's study of ethnic groups in America is a refreshing, and in some respects novel, reappraisal of both "cultural pluralism" and the so-called "melting pot" theory of assimilation. Each chapter indeed has a unique contribution to make. It is a high tribute to Professor MacIver that the distinguished scholars represented in this volume should honor him not by gestures of deference but by exhibiting on a high plane the qualities that he himself so eminently embodied. I particularly liked Harry Alpert's evaluation of MacIver's contributions to sociological theory. Without attempting to summarize this essay, I cannot forebear to quote certain passages:

MacIver came upon the American scene in the early 1920's. American sociology could then be characterized as a non-philosophical and even anti-philosophical creature content to wallow in the big heap of factual garbage which it has been busily piling up in its own raw, empirical trough. . . . Mr. MacIver fought valiantly amongst the excesses and wastes of the raw, empiricistic position.

In place of the "passive, mechanistic creature responding automatically to external stimuli which have no particular meaning to him," MacIver substitutes "the image of man as an idealistic, goal-seeking, value-creating being who is especially distinguished by his capacity to impose meanings to events, objects, and people;" and there is profound wisdom in his statement of what he called

the paradox of knowledge: "The only things we know as immutable truths are the things we do not understand. The only things we understand are mutable and never fully known."

The world of social science scholarship is indebted to the publisher and to the editors of this rich and stimulating volume. It not only does honor to a great man, but offers food for thought and reflection to all who know that the proper study of mankind is man.

PETER H. ODEGARD.

University of California (Berkeley).

Medieval Political Ideas. BY EWART LEWIS. (New York: Alfred A. Knopf. 1954. 2 vols. Pp. xii, 356; v., 661. \$12.50.)

The teacher as well as the student of political theory has for a long time found it difficult to get at the sources of medieval political thought; there exist, certainly, some translations of such books as Aquinas' *De Regimine Principum* of which, by the way, only a third was written by Aquinas himself, or of Marsilio of Padua's *Defensor Pacis*, the darling of nineteenth-century anticlerical liberals. But on the whole, especially because of the decay of the knowledge of Latin, few are able to read the many editions in the original language which the revival of medieval studies has brought since the latter part of the last century. Though there are admirable works on medieval political ideas with numerous extracts from the sources, to mention only Otto von Gierke, the Carlyles and, more recently, C. H. McIlwain, Alois Dempf, Georges de Lagarde, Friedrich Heer, and Fr. A. von der Heydte, they too, with some exceptions, are not easily usable by students because of difficulties of language. It was, therefore, a long felt need—especially in view of the rising interest in medieval political thought and its pervading force in, and critical import for, modern political thought—to have available in English translations selected chapters from the writings of the more important writers of that period.

We owe, therefore, a great measure of thanks to Mrs. Ewart Lewis, a student of Professor C. H. McIlwain, the greatest authority on medieval political thought in this country, for having brought about, through years of hard, meticulous work, a collection of medieval sources in English translation with detailed introductions, which are ordered according to eight topics. The use of the topical instead of the historical-developmental method has certain advantages; the disadvantages are avoided by the introductions to the topics which include about one-third of the two volumes and give the historical development of the ideas. The sources are organized under such headings as the idea of law; property and lordship; the origin and purpose of political authority; the structure of authority in the Church (the dispute between the papalist position and the conciliar theory and its influence on political ideas are treated here); and the problems of the Empire. Numerous, well-selected and—as a check showed—ably-translated chapters not only by the better and known medieval writers, but also by authors as difficult to get at as James of Viterbo, Tholommeo of Lucca, Engelbert of Admont, and Alexander of Roes are gathered together.

In addition, quotations from the *Somnium Viridarii* and other anonymous but widely spread pamphlets are used. Since there are many important writers on politics in the Middle Ages, one has to make a choice and that, naturally, produces difficulties. Though Mrs. Lewis has shown good judgment, the reviewer regrets that no excerpts from the Roman Law and its great glossator, Bartolus di Sassoferrato, the most quoted medieval jurist, are included, especially when one considers the impact of the Roman Law upon medieval thought, clerical as well as lay. There is an alluring ambivalence of the Roman Law in medieval political thought: in the struggle between Pope and Emperor, the canonists as well as the jurists of the Emperor appealed to it, and in the fight of the rising sovereign states the legists used it against both Emperor and Pope, the representatives of medieval universalism.

Others might have liked to see something of the great Spaniard, Ramon Lull, or of John of Viterbo (A. Salvemini's edition, 1901 [*Bibliotheca juridica medii aevi*, Vol. 3], is available), or the beautiful paragraphs (e.g., III, 42.6) of Eike von Repkow's *Sachsenspiegel*. Yet there is such an embarrassment of riches that it is perhaps unfair to criticize the choice the author had to make. One theme this reviewer would have liked to see more elaborated is "Political Augustinianism"—to use the title of Arquillière's book. This is stressed, rightly, by von der Heydte (*Die Geburtsstunde des souveränen Staates*).

The rich variety of medieval political thought comes out convincingly in these two volumes. No monolithic structure either in mind or in society and no absolute control by ecclesiastic absolutist power, as all too many think, prevailed in the Middle Ages. Also shown is the power of ideas which are anything but unreal, merely reflected, superstructures. Thus the reception of Aristotle's *Politics* by Albertus Magnus and his greater pupil, Aquinas, became, though both might not have been aware of it, a revolutionary move; for it gave the temporal state a *raison d'être* of its own, an autonomous *telos*, and showed that political loyalty and the rights and duties of citizens were independent of Faith and Grace; that in other words even the state of pagans was a true state with which binding treaties by Christian states were morally and juridically possible; the first inkling of a truly *jus inter gentes*. Similarly, the new theory of the state as *societas perfecta* provided the jurists of the rising sovereign state with a philosophical argument against the older theory of the universal Empire, co-extensive with Christendom. Thus political thought in the Middle Ages had real significance in historical development, and these volumes have the great merit of letting the student become aware of an exciting era which in many ways is the cradle of modern political and juridical institutions.

If then a few minor points of criticism are made, this is not done to detract in any way from the praise these two volumes deserve. "Theft" in *extremis* as permissible is a much more common doctrine than is asserted (p. 98). The origin of political authority is undoubtedly based on consent (therefore the juridical figure of a social compact), but such is not always the case with tenure of political authority; here the legitimizing element is service to the common good (p. 158). In this connection, the social compact theory (p. 161) was prob-

ably more familiar to medieval thinking, according to Tirschleder and von der Heydte. It deserved mention (p. 203) that Nicolaus II, 1059-1061, introduced the rule of a two-thirds majority for the election of the Pope by the College of Cardinals. Erich Caspar's and Johannes Haller's works on the Papacy might profitably have been consulted (pp. 359-62). On page 377 one reads that "The process of Revelation still continued"; that is an impossible thought for medieval theology, though the heads of sects might claim such a continued revelation.

The value of these scholarly and highly usable volumes is enhanced by an extensive bibliography and a good index.

H. A. ROMMEN.

Georgetown University.

The Right of Counsel in American Courts. BY WILLIAM M. BEANEY. (Ann Arbor: University of Michigan Press. 1955. Pp xi, 268. \$4.50.)

The right of counsel in criminal prosecutions is an historic one specifically guaranteed by the Sixth Amendment to the United States Constitution and inherent in the concept of fair trial. Moreover, state constitutions almost invariably contain provisions safeguarding the right. Long taken for granted, this procedural safeguard has recently become the source of much litigation and controversy. From this has come a flow of legal opinion and literature of which the book under review is the first single comprehensive treatment.

The study resulted "from an attempt to learn whether the right of counsel . . . is enjoyed as consistently and widely in the United States as the needs of justice require." To achieve this result the author examines the history of the right of counsel; how the right as guaranteed in the Sixth Amendment has been interpreted; how federal courts have construed the right under the due process clause of the Fourteenth Amendment; and practical implications of the right. As the discussion proceeds, it is evident that the author is master of his materials. The outcome is a scholarly treatise that American students of political and legal theory and practice will find invaluable.

This book, like the writings of Corwin, Pritchett, Cushman, Carr, Fellman, and others, further documents the turmoil that marks constitutional interpretation during the past two decades. So far as the Sixth Amendment is concerned, libertarians saw their views triumph in *Johnson v. Herbst*, 302 U.S. 458 (1938). The essence of the rule announced by this decision was that in *all* criminal proceedings before federal courts the accused has the right of counsel unless a competent waiver is made. The announcement of this, according to Dr. Beane, "raised the right to counsel to a level not attained during the previous one hundred and forty-nine years."

Where state proceedings are concerned, the controversy has been as intense but the outcome for those accused of crimes less clear and generous. In several cases, beginning with *Powell v. Alabama*, 287 U.S. 45 (1932), the Supreme Court came close to "federalizing" the right of counsel, but in the end it shied away from this extreme. The Supreme Court has gone so far as to say, however,

that the due process clause of the Fourteenth Amendment requires an offer of counsel in all capital cases. It has also said that states deny counsel at the risk of reversal for having omitted an important element of fair trial. While these admonitions have doubtless strengthened the procedural safeguards of persons accused of violating state laws, they fall short of the uniform federal-state rule urged by an impressive line of judicial dissents and by champions of civil liberties generally.

Dr. Beaney is properly critical of the confusion left by judicial vacillations and suggests that until the views of Justices Douglas and Black prevail sufficiently to incorporate the right of counsel in the Fourteenth Amendment, the states themselves should bring their standards up to those now required by the Sixth Amendment. He suggests that this be done where possible by judicial rule, otherwise by statute. Making this change, the author suggests, would be a far more constructive approach for the states than continuing to inveigh against federal interference in judicial proceedings.

After making his careful and thorough review of legal aspects of the problem, Dr. Beaney concludes that so far as the federal courts are concerned the counsel problem is "substantially solved." Among the states, however, the author finds the situation spotty and in need of improvement. In addition to suggesting that state legal requirements be brought in line with federal standards, the author recommends that states review their methods of appointing counsel for the indigent and make greater use of legal-aid societies and public defenders.

What limitations this study has are not in competence, industry, or skill, but in the method used to discover the answer to an important and complex problem. Had the approach been sociological, rather than legalistic, the reviewer ventures the opinion that the evidence would have shown that the right of counsel is enjoyed less "consistently and widely" in both federal and state jurisdictions than is indicated by this study.

JOHN H. FERGUSON.

The Pennsylvania State University.

The Prospects for Communist China. BY W. W. ROSTOW IN COLLABORATION WITH RICHARD W. HATCH, FRANK A. KIERMAN, JR., AND ALEXANDER ECKSTEIN, and with the Assistance of Others at The Center for International Studies, Massachusetts Institute of Technology. (New York: The Technology Press of Massachusetts Institute of Technology and John Wiley & Sons, Inc. 1954. Pp. xx, 379. \$5.00.)

The aim of this book, as stated in its preface, is to draw together in a short volume what is known about Communist China and to assist in the making of a unified interpretation of Peking's intentions and ability to achieve them. Conceived as an interpretive essay rather than as a scholarly monograph, the book seeks to fathom the operative motivations of the Peking regime, its current intentions with respect to the society of the mainland and the external world, the problems it confronts, its likelihood of success or failure, and the prospects for change in Chinese Communist society over the foreseeable future.

This is a large undertaking in a field where close observation and verification are difficult or impossible to achieve. It is inevitable, therefore, that many of the questions posed by the volume must be met by surmise rather than documentation, but in terms of their stated rationale the authors have done well. The book will be of great value to policy makers and should be read by every person who seeks to keep himself informed on developments in Asia.

The book begins with a relatively short narrative and interpretation of major developments in modern Chinese history—the crumbling of the Manchu empire, the development of the Kuomintang, the rise of the Communist movement, and the eventual victory of Mao Tse-tung and his associates. The following section concerns itself with the evolution of Communist policy from its revolutionary roots through the New General Line of 1953–1954.

Against this background, the authors proceed with their analyses of the relation between the Chinese Communist regime and the people it rules; the nature of the Sino-Soviet alliance; the changes which the Peking regime has wrought in the Chinese economy, together with conditions and prospects for future economic growth; and the prospects for Communist China in terms of its top leadership, inner strength and weaknesses, and tactical goals.

After a judicious balancing of Chinese Communist strengths and weaknesses, the authors conclude that despite unfocused popular discontent within its borders, the Peking government maintains instruments of central and internal unity sufficient to keep its power secure. The regime's future stability, in turn, will depend largely upon four related factors—the policy and performance of Soviet Russia, Communist success in competition with Free Asia, the Peking government's progress in industrialization, and the unity and continuity of its top leadership.

In gathering the material from which these various analyses are drawn, the authors have surveyed and interpreted a large part of the research materials available on modern China. The historical section is not as strong as the accessible data should have made possible, but in their probing of contemporary China the authors have proceeded with imagination and deftness. Here one regrets only that sufficient distinction is not always made between assertions that are supported by evidence and those which remain essentially hypothetical.

It should be pointed out that two chapters—those dealing with economic reconstruction and control and with conditions and prospects for economic growth—differ from most of the other parts of the book in that they present material which is, to a large degree, a new contribution to knowledge.

ROBERT C. NORTH.

Hoover Institute.

A Study of Bolshevism. BY NATHAN LEITES. (Glencoe: The Free Press. 1903. Pp. 639. \$6.50.)

Ritual of Liquidation: The Case of the Moscow Trials. BY NATHAN LEITES AND ELSA BERNAUT. (Glencoe: The Free Press. 1954. Pp. xi, 515. \$6.50.)

These studies, sponsored by the RAND Corporation, constitute major additions to our understanding of Bolshevik thought and action.

Democratic statesmen, casual visitors, engineers, and foreign Communists—each in his varied but limited contact with Soviet society and politics—have been driven by their experiences sooner or later to reflect on the peculiar modes of thought displayed by the Bolsheviks with whom they happen to deal. At times Soviet wielders of some authority seem, even charmingly and disarmingly, like human beings from other cultures of our time; or, more frequently, they assert aggressively the absolute demands of their ideology and system, as if they feared to question any part or detail. These and similar observations crop up constantly in any report on “dealing with the Russians.” It has remained for a talented, imaginative and indefatigable investigator, Nathan Leites, to undertake to embrace the entire body of Bolshevik thought and motivations in *A Study of Bolshevism* and thus to make explicit the interplay of doctrine and action within the Soviet system.

Many observers have been struck by the Soviet emphasis on the “party line” as the only correct though wavering median between incorrect opposites. And many have commented on the party’s alternate insistence on remaining true to a rigid program and on exercising leadership over the non-party masses for purposes not shared by those “masses.” The combination of a belief in determinism with an extreme tension of will, coupled with a fear of failure and annihilation, has also been found, in some measure, in Islam, in periods of expansion. The functions of resistance, attack, retreat, and temporary compromise have their parallels in classical military strategy. What is unique in Leites’ analysis is the masterful way in which he has identified, as though from within the Bolshevik mind, the general range of aims, techniques, and situations which Bolsheviks are trained to expect and to cope with.

Perhaps to ward off some unjustified criticisms of his earlier summary of Bolshevik thinking (*The Operational Code of the Politburo*, 1951), Leites emphasizes that his present work cannot serve to predict a Soviet choice of policy in any given situation. He need not be embarrassed at having progressed so short a distance toward the science of prediction in human affairs! It will be sufficient if at least several tens of thousands of experts and commentators, concerned in some degree with analyzing and predicting Soviet actions, take advantage of this unique guide to the nature of the Bolshevik way of thinking.

Ritual of Liquidation studies a special and important application of the Bolshevik way of thought. By definition, this investigation by Leites and Bernaut is concentrated on the “demonstration trials,” which have been organized periodically by the Soviet regime and its satellites. Although the great climax of trials came in 1936–38, with the self-castigation exacted by Stalin from many of his former rivals for power, the authors rightly draw the parallel between these major Soviet trials and the Rajk, Kostov, and Beria trials since 1948. If the psychology which dictated the origin, course, and outcome of the “liquidation trials” should appear remote in time, it is only necessary to recall that, arriving at Belgrade in May, 1955, Khrushchev promptly and eagerly

disclosed that the entire Soviet "misunderstanding" with Tito, since June, 1948, had been due to the "fabrications" cooked up by Beria and Abakumov, acting as "enemies of the people" and "agents of imperialism."

Ritual of Liquidation examines with great precision the purposes and methods of the political trial within the Bolshevik system. It unravels with delicacy the confusion between thought and word, word and action, action and effect. Possibly it over-intellectualizes the motives of those "Old Bolsheviks" who accepted the "deal" and became, in part, cooperative partners in the judicial spectacle. How far "over-compliance" by the accused with the demands of the prosecutor for self-abasement was actually understood by those present as a tacit rejection of the accusation remains doubtful; those who remembered the pre-Stalinist version of Bolshevik history were by then few, weak, and afraid.

One small detail: Stefanov, the second most important victim of the Sofia trial of 1949, may or may not have been "a prominent illegal Party member" from 1932 to 1935. In any case, he was, at that time, legally and publicly, the Assistant Director of the Statistical Bureau of the Kingdom of Bulgaria, which published very extensive and competent reports on all aspects of the Bulgarian economy. Since little if any of this information was "secret," Stefanov was presumably engaged in carrying out his administrative duties by furnishing information to visitors requesting it (p. 362), rather than serving as an "agent of British Intelligence."

PHILLIP E. MOSELY.

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Federalism: Mature and Emergent. EDITED BY ARTHUR W. MACMAHON. (Garden City: Doubleday and Co. 1955. Pp. xi. 557. \$7.50.)

This symposium is one of a series that diffuses the benefits of the bicentennial conferences held at Columbia University. It brings together essays by twenty-two distinguished contributors, economists and lawyers as well as political scientists. Perhaps not since the *Federalist* papers has so much insight, wisdom and breadth of perspective on the subject been compacted in a single volume.

Federalism is a loose concept. Its essential tests are all matters of degree and its practical manifestations are numberless. This symposium, for all its penetration into detail, is therefore appropriately selective rather than encyclopedic. Part I, on the nature and role of federalism, groups five essays broadly introductory: a masterly survey by the editor, pointing up the inherent paradox of nationalizing impulses that operate both cohesively and divisively; a reflective review of British commonwealth and colonial experience by K. C. Wheare, who suggests that the will or willingness to try to form a new and more inclusive nationality is the basic test of the practicability of federalism; a note of doubt from the late Franz Neumann as to whether federalism has any inherent advantages over unitary systems for promoting freedom; an emphasis by John Fischer on the need for balanced powers and concurrent majorities if federalism is to work satisfactorily; and a reminder from Adolf Berle, Jr. (who seems to

use "federal" to mean "national") that modern corporations organize economic power on a scale comparable to that of federal states.

Part II, "Basic Controls in a Maturing System," deals entirely with American experience, except for Arthur Holcombe's illuminating comparative study of the coercion of states in a federal system. Herbert Wechsler and David Truman show how the states and the political parties tend to keep the character of our government in actual operation far more decentralized than current judicial interpretations of national powers require. Paul A. Freund and Henry M. Hart, Jr., in the most technical section of the book, treat the courts and the law with a learning disciplined to philosophical use. Although the general teaching of Part II is that the maintenance and allocation of divided powers depend more on political than on judicial processes, Hart is effective in urging that the courts, by virtue of their detachment and training, are better equipped than Congress—indeed can do what Congress has shown it cannot do—for dealing systematically with the technical intricacies of federal jurisdiction. This view gets support from the outcome, if not from the argument, of Paul Hays' case study of the mess Congress has made of the boundaries of national authority in labor relations. Part II concludes with Noel Dowling's sensible disposition of the Bricker amendment, coupled with an admonition that the President, in his conduct of foreign relations, has a duty to preserve the federal system.

Part III, "Functional Channels of Relationship," consists chiefly of illustrative studies of the operation of federalism in the fields of agricultural policy, by John Gaus; land management and water resources, by Charles McKinley; and trade regulation, by Milton Handler. Edward Weidner follows with an effort, based on the Minnesota studies, to relate the degree of federal-state cooperation in decision-making to the success of state administration of national policies; and Roy Blough then makes an acute and comprehensive review of interlevel fiscal relations, concluding that there is "no overall solution to the fiscal problems of federalism . . . we must be prepared to live with a permanently unsatisfactory situation" (p. 404), which, however, is still better than any of the available alternatives proposed.

Considering the scope of Parts II and III, some discussion of state-local relations would have been welcome; this was omitted because another of the bicentennial volumes deals with metropolitan problems.

Part IV, "Supranational Union in Western Europe," makes a sharp break in subject matter and locale. William Diebold, Jr., Ingvar Svennilson and Tom Charlton Clark review the progress and problems of European economic integration generally, and of the Coal and Steel Community in particular, and the applicability of federal models for supranational institutions. Robert R. Bowie and Carl J. Friedrich, who edited the *Studies in Federalism*, published last year and prepared in conjunction with the European Movement, conclude the volume with a discussion of the relevance of federal experience and theory to the incredibly complex problems of a European Political Community. This Part was conceived and written in the mood of mixed hope and foreboding that

prevailed prior to the French rejection of the EDC. It contrasts with the evident faith in the continuing virtues of the federal system for the United States that characterizes the authors in Parts II and III.

"In the formative stage of federalism . . .," writes Professor Macmahon, "the desperate need is a modicum of union where unity is impossible" (p. 3). The remark is perhaps as applicable to the formation of a symposium. What makes this one so notably successful an example of coherence and cohesion is the skill and perception of the editor, who leads off each Part with a full scale essay of his own, drawing on the Arden House conference discussions for which the papers served as background, as well as on his incomparable command of the subject.

HARVEY C. MANSFIELD.

The Ohio State University.

The Nation and States, Rivals or Partners? By WILLIAM ANDERSON. (Minneapolis: University of Minnesota Press. 1955. Pp. xvi, 263. \$3.75.)

This is a "working paper" on American federalism. It was drafted for the Commission on Intergovernmental Relations and is now published, in an expanded form, for both the Commission and the lay reader. It will remain an essential working paper for political scientists for a long time to come.

At the outset Professor Anderson states his firmly held beliefs about the strengths of the American federal system of government and of the people for whom and through whom this complex of governments operates. He looks for some changes to take place in the form and possibly in the substance of the government and in intergovernmental relationships with the passing years, and he provides a series of tests against which the citizen can gauge each suggested change. In these early pages he completes a setting of the stage for the body of the study—and for his later appraisals and recommendations—with a survey of current disputes and conflicts. And then he goes back to the nation's beginning.

This reviewer knows of no work that details so well—and in so brief a space—the supremely important decisions taken between 1787 and 1789 for the construction of the nation. Professor Anderson views "the adoption of the Constitution by the people, with its provision for a strong national government, [as] one of the greatest acts of constructive republican centralization the world has ever witnessed" (p. 237). From this beginning the author proceeds with a step-by-step outline of the process through which the United States created the fact as well as the doctrine of national supremacy, a process he finds culminating with the adoption of the Fourteenth Amendment. "I believe [this entire study is highly personal] that the citizenship clause in the Fourteenth Amendment establishes beyond question the United States as one nation, with one body of citizens, and with national supremacy over all parts of the national territory under national popular sovereignty" (p. 100).

The issues the nation has faced following the Civil War are paraded against a background of social change. We look into the fight over the national income tax and the significance of the resulting decision. Too, there is a word about

national action in regard to liquor and woman suffrage and the constitutional heresies those decisions laid to rest. Here are woven together into an intelligible pattern such issues as the problem of the power to spend for the national welfare, federal participation in activities at levels where states and counties earlier had acted, and the real significance of federal aid.

The author includes a list of the various areas of government and politics where he finds broad national interests and concludes that in each case where such an interest exists there is a duty imposed on the national government "to act either to remove or prevent an evil or to promote a good" (p. 147). He examines the record and finds our big government more stable than our little governments—more responsive to people's needs, more able and willing to protect minorities, and more effectively administered. He finds the national government to be more the people's government than that of states and cities. That Congress has not crippled the states is demonstrated by the record. What is more, the nation has aided and strengthened the states. Where nation and states have joined in administrative enterprises, cooperation has been the rule. Congress has proved to be a better defender of states than state legislatures and governors have been of cities and counties. "I doubt also that anyone can show that state and local governments have, on the average, been more virtuous and high-minded in their actions or more mindful of the dignity of man or of the liberties of individuals, or have maintained higher standards of public morality, than the national government of the United States" (p. 243). And before concluding his study, the author gives us his list of "the great achievements in politics and government that have made the United States what it is today." He finds that in most of these achievements "the national government has had a leading part" (p. 239). The list is impressive.

What of the future? Professor Anderson sums up his view in a single sentence. "... no fundamental change is needed in the relations between the national and state governments: no weakening of the national government, no great shifting of functions, no important reallocation of revenues or of taxing power, no basic change in federal-aid programs or policies, no diminution of the autonomy of either the national or state governments" (p. 244).

CHARLES AIKIN.

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BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

The Inter-University Case Program: Cases in Public Administration and Policy Formation. (University, Alabama: University of Alabama Press.)

YLVISAKER. *The Battle of Harrison County.* BY GARY BRAZIER. (1955. Pp. 28.)

No. 9. *The New York City Health Centers.* BY HERBERT KAUFMAN. (1952. Pp. 23.)

No. 10. *The Displaced Career Employee Program.* BY JAMES E. DRURY. (1952. Pp. 43.)

No. 11. *The UN Publications Board.* BY HERBERT KAUFMAN. (1952. Pp. 33.)

No. 12. *The New York Farm Labor Camps.* BY RONALD M. STOUT. (1953. Pp. 76.)

No. 13. *Wilderness Sanctuary.* Revised edition. BY RUSSELL P. ANDREWS. (1954. Pp. 12.)

No. 14. *Reorganizing the Massachusetts Department of Conservation.* BY THOMAS H. ELIOT. (1953. Pp. 48.)

No. 15. *The Gainesville School Problem.* BY FRANK T. ADAMS, JR. (1953. Pp. 12.)

No. 16. *Three Cases in Field Administration.* (1953. Pp. 31.)

No. 17. *The Whittier Narrows Dam.* BY DONALD E. PEARSON. (1953. Pp. 36.)

No. 18. *Taxing the Southern Railroad in Alabama.* BY VALERIE A. AND CHESTER B. EARLE. (1953. Pp. 52.)

No. 19. *The Regional Information Officer.* BY MARTIN KRIESBERG. (1953. Pp. 5.)

No. 20. *The Promotion of Lem Merrill.* BY CHESTER B. AND VALERIE A. EARLE. (1953. Pp. 60.)

No. 21. *The Department of Commerce Field Service.* BY KATHRYN SMUL ARNOW. (1954. Pp. 33.)

No. 22. *The Van Waters Case.* BY THOMAS H. ELIOT. (1954. Pp. 50.)

No. 23. *The Michigan State Director of Elections.* BY GLENDON A. SCHUBERT, JR. (1954. Pp. 65.)

No. 24. *The Army Flies the Mails.* BY PAUL D. TILLET. (1954. Pp. 80.)

No. 25. *The Battle of Blue Earth County.* Revised edition. BY PAUL N.

The case studies listed above were published in pamphlet form during the past three years by the Inter-University Case Program (ICP) in which some 45 colleges and universities are subscribing members. Twenty-eight of the 31 cases which preceded these were collected and published in 1952 in a volume edited by Harold Stein entitled *Public Administration and Policy Development*.

The emphasis in the cases being reviewed is on state and local administration and on federal field administration. More than half of the cases deal with state and local government (as contrasted with the early cases which predominantly were concerned with the federal government), and most of the remaining cases deal with federal field administration.

The cases are unusually well-written by carefully-selected writers who have had close access to the situations which they describe. The editorial standards for content have been high, though the editors have avoided the natural temptation to standardize the structure of the cases.

The longest of the studies, *The New York Farm Labor Camps* (No. 12), runs to 76 single-spaced pages. This reviewer finds the shorter cases most useful for teaching purposes. The 12-page *Wilderness Sanctuary* (No. 13) is about right. Most of the studies are too long, even though they tend to be shorter than the cases which preceded them. A tougher editorial policy with regard to cutting and condensing would have increased their usefulness.

A more obvious editorial failure is the lack of a standardized format. Several forms of the photo-offset process appear to have been used; some of the typing is double-spaced, some single-spaced; some of the pages are double-columned, some single-columned; in one of the cases, the line-spacing changes in the middle of the case; a 32-page double-spaced case is bound, a 42-page single-spaced case is not. These seemingly irrational variations, of course, are more irritating than serious. Perhaps the variations are due to the fact that the ICP has had three directors and two publishers since 1952. There are no variations as

to size, but the 8½-by-11-inch page is awkward to handle and difficult to read.

The availability of the public administration cases has greatly influenced the teaching of public administration. Almost all of the introductory public administration courses make some use of the cases. Teachers of these courses use the cases to supplement and illustrate the standard texts, some requiring all students to read selected cases, others requiring students to prepare reports on individually assigned cases, and still others recommending but not requiring the reading of cases.

The use of cases in the teaching of public administration is doing much to enliven a subject which many students have considered to be exceedingly dull. It gives students the feeling of actual participation in decision-making and in the administrative process. The cases communicate a sense of the pressures under which administrators act. They encourage an attitude of skepticism concerning principles and an emphasis on the human element.

The cases are useful in many courses outside of the field of public administration. Teachers of courses in American government, state and local government, public law, international organization, government and business, political parties, and conservation will find individual cases which will be of great value. Teachers outside of political science, too, in such fields as law, economics, education, and agriculture, will find some of the cases to be excellent for their purposes.

In future cases, it is hoped that the ICP will experiment with variations on the decision-centered case. Certainly more cases on management processes would be welcomed by teachers of public administration and more cases in the broader field of political science would be welcomed by teachers of political science.—GEORGE A. WARP, *University of Minnesota*.

The Western Public: 1952 and Beyond. By ALFRED DEGRAZIA (Stanford: Stanford University Press. 1954. Pp. ix, 226.)

The Western Public first came to this reviewer's attention when he saw a copy in the hands of a party politician who does not have time to read many books. Yet the condition of that volume was such that obviously it had been read well, and subsequent conversation established the fact. Alfred DeGrazia's book is both a scholarly contribution to the field of political science and a working manual for the "lowliest" precinct worker.

Principal sources of data for the project were the University of Michigan Survey Research Center's Western state interviews conducted as a part of its 1952 election study. The analysis includes attempts to measure the quality of party regularity of Westerners, to illuminate the Westerner's reactions to Eisenhower and Stevenson, to examine and classify the Western issues of 1952, to see how Westerners got their political information and whether such information had any effect, to evaluate the factors determining political behavior, and in summary to answer the question, "The West: Is It Peculiar?"

Though some may have expected such a study to establish clearly that the West was "politically different," the author finds that political similarities of the Western states to the rest of the country are the rule, dissimilarities the exception. "Even (Los) Angeles, although they are targets of extravagant comment from all sides, react to political events with remarkable normality."

Often the author challenges long-accepted notions about political behavior, as in these examples:

The popular impression that Westerners do not attach themselves to the party label is erroneous. The West has a greater proportion of Strong Democrats than any other region except the South; it had a greater proportion of Strong Republicans than the Northeast section of the country; and . . . fewer Independents than the Northeast. . .

In the West in 1952 the most fertile sources of Republican strength were urban people with a big-city background and rural people with a small-town background. The most fertile sources of Democratic strength were rural people with a farm background and urban people also with a farm background.

More often, however, the findings support or further develop already established ideas about voters.

Of those seeking a glimpse at the future, the following will be most comforted by the tables and interpretations in *The Western Public*: first, a moderate Democrat or an Eisenhower Republican as distinguished from any kind of political extremist; second, a Democrat as he views his party's long-range prospects as distinguished from a Republican speculating about his party's future; third, a politician who thinks primarily of how to win in the existing platform-robbing, two-party

system as distinguished from one who hopes to centralize and discipline the parties into standing for clear alternatives of principle; and fourth, one who can visualize the survival of representative democracy without every voter's having to become a political sophisticate and/or party worker.

The most substantial criticism which can be levelled at the book is that it is an attempt to deal with the Western public and not the Western *publics*. This is, however, a limitation which the author imposed upon himself in his original decision to confine himself to the Michigan Survey Research Center's 452 pre-election and 210 post-election Western state samples. In spite of this shortcoming, the book is a noteworthy contribution to research on political behavior.—IVAN HINDERAKER, *University of California* (Los Angeles).

Prejudice, War and the Constitution. BY JACOBUS TEN BROEK, EDWARD N. BARNHART, AND FLOYD W. MATSON. (Berkeley: University of California Press. 1954. Pp. xii, 408. \$5.00.)

One of a series of volumes depicting the story of the American governmental policies and actions relative to Japanese and Japanese-Americans on the West Coast, this volume treats most cogently with the administrative and judicial aspects of the problem.

In the range of their writings, political scientists evidence distinct polarities. There are those who aspire to dispassionate description and evaluation of consistencies and deviations and those less concerned with "science" and more with the "political." These are the priests of systematic doctrines and value patterns. *Prejudice, War and the Constitution* bristles with indignation and glitters with citations inconveniently arranged at the end of the volume.

Focus is sharpest in analyzing the pattern of judicial avoidance of fundamental issues. No very positive doctrine of judicial review is projected beyond that of consistency with approved precedent, and the criticism that the judges of the time found ways to recognize the values of contemporary political leadership may be harsh when it is kept in mind that the men were selected by presidents able to see a high similarity between the public good and executive political policy.

The justices of the highest court dealt with a national policy, even if a perverse one, having legislative and executive approval and capped by military leadership in the highest

esteem. The decoration of General DeWitt for his policy statements and conduct, when put in juxtaposition with the prosecution and defense in the Nuremberg trials, creates a curious precedent for historians seeking clarification of the American philosophy. The Army might temper its leaders to leave policy to the civil authorities and illuminate its lessons from the judgments at Nuremberg.

The exotic flower of treatment of Japanese-Americans is, at best, a weed in the lush gardens of New Dealism. This weed seems to have flourished with surprising vigor. Men who revere the traditions and ideals of our system can only hope that it is not toxic.—SPENCER D. PARRATT, *Syracuse University*.

Politics in the Press: An Analysis of Press Content in 1952 Senatorial Campaigns. BY LEROY C. FERGUSON AND RALPH H. SMUCKLER. (East Lansing: Governmental Research Bureau, Michigan State College. 1954. Pp. 100.)

This slim volume is a modest but creditable first publication in what the Governmental Research Bureau of Michigan State College describes as a "program of systematic research in the political system with the aim of contributing to empirical theory and research techniques." The narrow focus of the study, which prohibits many generalizable conclusions, reflects the limitations of funds and time, not of imagination or skills on the part of the coauthors. What is proposed is accomplished, namely an investigation of the political content of a large sample of the daily and weekly press in two states with reference to three senatorial campaigns in 1952. The subtitle is somewhat misleading in this respect; the three campaigns covered are those of Benton-Purtell and Ribicoff-Bush in Connecticut and Fairchild-McCarthy in Wisconsin. The stated objectives are to describe and evaluate the campaign issues and appeals as they were reflected in the pages of the newspapers and to discover whether the partisan position of the press affected its presentation of campaign news. In the achievement of those objectives the authors carefully employ the quantitative method of content analysis, keep the reader fairly and fully informed of the limits of the research design and methodology, and restrict their conclusions to those which the data will support.

The major findings relate to three separate areas. First, most appeals to the voter found in the press referred to the personality

and character of the candidates and to other non-policy themes rather than to their positions on governmental policy. Even when policy issues were the basis for appeal, the opposing contestants, passing each other like ships in the night, usually stressed different issues. Secondly, common party affiliation led to no common emphasis on the various policy issues. Indeed, most of the senatorial candidates stressed "independence" rather than relating their candidacies to their party or to their party's presidential nominee. Thirdly, the partisan loyalties of the newspapers clearly affected their treatment of headlines and, to a lesser though still noticeable extent, their news coverage of the campaign.

Although unable to resist some speculative comments on the disturbing implications of these findings for the theory of democracy, the authors wisely refrain from constructing a mountain of extensive conclusions from a molehill of partial evidence. The study ends appropriately with suggestions for future research, with special reference to additional analyses of the press and other media, supplemented by systematic interviewing designed to determine the extent to which the political content of the mass media may affect the outcome of elections.—ALLAN P. SINDLER, *Yale University*.

Public Policy: A Yearbook of the Graduate School of Public Administration, 1954. Volume V. EDITED BY CARL J. FRIEDRICH AND J. KENNETH GALBRAITH. (Cambridge: Harvard University Press. 1954. Pp. viii, 420.)

It is a pleasure to report that the over-all quality of the research papers and reports in this volume justifies again the decision to renew publication of the *Public Policy* series broken off by the war in 1942. Six of the fourteen papers fall under the head of "Fiscal and Monetary Policy"; three deal with "Planning and Resources Policy"; two are monographs which analyze limited aspects of "Anti-Trust Policy and Industrial Organization" and two other monographs deal with "Politics: Legislation and Parties." One is autobiographical, a lecture delivered by Eugene Meyer at the School reviewing his governmental experience with the War Finance Corporation, the Federal Farm Loan Board, the Federal Reserve System, and the R.F.C. In general, the papers are analytical rather than descriptive; they use theoretical concepts as devices for selecting and testing data rather than for upholding preconceived verbal or ideological

positions; they assume the interpenetration of economics and politics rather than their separation.

Written by men who vary from graduate students to full professors and practicing administrators, the contributions are not of uniform quality, and the specialized interests represented range so widely that it is unlikely that many students of government and economics would be professionally interested in more than three or four of the topics considered. But of the fourteen, so far as this reviewer is concerned, only two are of doubtful value; this is a high batting average for any editorial operation. The volume is a worthy testimonial to the seminar program of the Harvard Graduate School of Public Administration.—AVERY LEISERSON, *Vanderbilt University*.

The Roosevelt Leadership, 1933-1945. By EDGAR EUGENE ROBINSON. (New York: J. B. Lippincott Co. 1955. Pp. 461. \$6.00.)

This book belongs with the growing body of literature on the New Deal "betrayal." The author states (in his introduction) that "When he [Roosevelt] ceased to lead, the effect of his years in power was manifested in a weakened Constitutional system, in imperiled national security, in diminished national morale, in deteriorated political morality, and in an overburdened economy. Powerful beyond comprehension, because of the power of the American people, President Roosevelt had an important part in destroying dictators representing the entrenched totalitarianism of the few, only to leave his nation exposed at home and abroad to a totalitarianism of the masses more terrible than any foe yet faced by a free people." This is an odd judgment for a work that was commissioned (in the bequest of a wealthy Philadelphian) as an appraisal of Franklin D. Roosevelt without "fear, favor and prejudice." It is something of a comment on the times that we commission "objectivity" regardless of the nature of the problem or its difficulty.

Professor Robinson's thesis (with allowances for oversimplification) is that the United States in recent times faced two choices epitomized by two political leaders, Herbert Hoover and Franklin D. Roosevelt. The former stood for the alleged "staples" of the American political heritage—elitism, sound administration, a new "liberalism," and social rationalism. The latter stood for dramatized and demagogic leadership, pragmatism, opportunism, collectivism, and "alien" influence.

The American people in their folly chose Roosevelt, the gifted political artist who led them charismatically down the road to ruin.

Part I consists of some twenty chapters that make use of some of the best available sources. In these the author traces Roosevelt's career from his election in 1932 to his untimely death in 1945. The bulk of these chapters is devoted to a discussion of Roosevelt and foreign policy. Part II consists mainly in a useful annotation of the bibliography on Roosevelt to date.

A brief review can only highlight a few aspects of this complex and often strange work. Within the framework of the aforementioned thesis, there are some shrewd insights into Roosevelt's character and techniques of leadership. Strikingly little attention is devoted to concrete policies of the New Deal—TVA, banking legislation, the Fair Labor Standards Act, and AAA. The Roosevelt inner circle is one of the *bête noires*, as is progressive education. These and pragmatism are charged with injecting the un-American influence into the New Deal. Thus, "An underlying weakness of his [Roosevelt's] leadership lay in his acceptance of the pragmatic approach to the solution of both domestic and foreign problems. In essence, it was a refusal to take the stand for a distinctively American approach to the basic problems of capitalism. No political program that emerged with the Roosevelt administration was distinctly the expression of the American tradition." This pragmatism, according to the author, made Roosevelt less able to oppose fascism and communism. Many readers will be shocked to learn that this philosophy regarded by many as uniquely American is labeled un-American.

When one begins a work of this kind with a fixed bias, and then attempts some detached appraisals, the result is a kind of tragi-comedy. This book will be criticized for its value premises more than for its facts. An unbiased interpretation of Roosevelt's leadership may never be done. What we may hope for at least is a more profound understanding of the man, the policies, and the methods, within the framework of their context. Judgments which so distort reality that such empathy is impossible deprive this work of a claim for weighty consideration.—LESTER G. SELIGMAN, *University of Oregon*.

The Papers of Thomas Jefferson: Volume 10, 22 June to 31 December, 1786. BY JULIAN P. BOYD, EDITOR, MINA R. BRYAN AND FREDRICH AANDAHL, ASSOCIATE EDITORS.

(Princeton: Princeton University Press. 1954. Pp. xxx, 654. \$10.00.)

This volume contains, among many subjects of Jefferson's unlimited curiosity, his experience in attempting to make commercial treaties with European powers. He was constantly told that there was no use of making such treaties because the states would pay no attention to them. This experience caused Jefferson to recommend that we must be a unity in foreign affairs and commerce. This idea was to become the chief basis of our federalism in the Constitution of 1787.

Michigan's Recounts for Governor, 1950 and 1952: A Systematic Analysis of Election Error. BY SAMUEL J. ELDERVELD AND ALBERT A. APFLEGATE. (Ann Arbor: University of Michigan Press. 1954. Pp. viii, 176.)

"A case study of the size, distribution, and factors related to administrative and balloting errors in the 1950 gubernatorial election in Michigan, as revealed by the state-wide recount of that year," together with a less thorough analysis of the 1952 recount. Many persons assisted in this painstaking and tedious work.

The American Vice-Presidency: New Look. BY IRVING G. WILLIAMS. (New York: Doubleday & Company, Inc. 1954. Pp. x, 82. \$.95.)

This work, one in the new series of Doubleday Short Studies in Political Science, is a modest attempt to concentrate on the office of the vice-presidency itself, in addition to devoting attention to the more usual themes of presidential succession and the function of presiding over the Senate.

Pennsylvania Politics and the Growth of Democracy, 1740-1776. BY THEODORE THAYER. (Harrisburg, Pennsylvania: Historical and Museum Commission. 1953. Pp. x, 227.)

Essentially a political history of mid-eighteenth century Pennsylvania which begins with a consideration of Penn's Frame of Government and carries the reader through the domestic and external politics of Pennsylvania from 1739 until American independence, stressing the period after 1760.

American Politics and the Party System. BY HUGH A. BONE. (New York, Toronto, London: McGraw-Hill Book Company, Inc. 1955. Pp. vii, 670. \$5.25.)

The second edition of a textbook which

first appeared in 1949. Considerable revision has been made, taking into account recent events and the results of the latest research findings in the field of American politics and parties.

Politics in the United States: Readings in Political Parties and Pressure Groups. EDITED BY HENRY A. TURNER. (New York: McGraw-Hill Book Company, Inc. 1955. Pp. xi, 426. \$5.25.)

An excellent selection of supplementary reading materials on American politics, public opinion, pressure groups, and the party system from the writings of a long list of recent contributors to the subject.

The Washington Papers: Basic Selections from the Public and Private Writings of George Washington. EDITED BY SAUL PADOVER. (New York: Harper and Brothers, 1955. Pp. 430. \$4.75.)

A judicious selection from Washington's public and private writings with a brief introduction by the editor. Parts I and II set forth, respectively, personal and political writings; Part III contains a selection of maxims, mottoes, and brief opinions.

Franklin D. Roosevelt as Governor of New York. BY BERNARD BELLUSH. (New York: Columbia University Press. 1955. Pp. xiii, 327. \$5.00.)

A scholarly study of the New York governorship of Franklin D. Roosevelt based upon hitherto unpublished portions of the official and personal correspondence of the subject. The influence of Al Smith and the foreshadowing of the New Deal in Roosevelt's gubernatorial policies are stressed.

The Roosevelt Family of Sagamore Hill. BY HERMANN HAGEDORN. (New York: The Macmillan Co. 1954. Pp. 435. \$5.00.)

An intimate view of the family life of Theodore Roosevelt from 1887 until his death in 1919.

Simeon Eben Baldwin: Lawyer, Social Scientist, Statesman. BY FREDERICK H. JACKSON. (New York: Columbia University, King's Crown Press. 1955. Pp. xiv, 278. \$5.00.)

The life of an eminent Connecticut lawyer, legal scholar and law teacher, writer, judge, and governor, who participated in the founding and was an early president of the American Political Science Association.

The Life and Writings of Frederick Douglass. Volume IV. Reconstruction and After. BY PHILIP S. FONER. (New York: International Publishers. 1955. Pp. 524. \$5.00.)

The fourth and last volume of *The Life and Writings of Frederick Douglass*, which covers the last phase of the career of this well-known 19th-century Negro leader. The first 154 pages provide a résumé of Douglass' life from 1865 to 1895; the bulk of the volume reproduces the subject's writings and speeches during the period.

Opinion Polls on National Leaders. Final Technical Report. Series 1953. Institute Report #6, 15 November 1953. BY HAROLD ORLANDS. (Philadelphia and Washington Institute for Research in Human Relations. Pp. xviii, 228.)

A loose-leaf, multigraphed final report of the Institute, which reviewed "the public's attitudes toward national political, military, business, and labor leaders and their respective institutions, as disclosed by opinion polls from 1935-1953." It was prepared for the Office of Naval Research, U. S. Navy.

The Reputation of the American Businessman. BY SIGMUND DIAMOND. (Cambridge: Harvard University Press. 1955. Pp. 182. \$4.00.)

An examination of the changing attitudes of the American public toward business men of great wealth as elicited from the comments and opinions expressed in newspapers, magazines, and other publications, particularly at the times of their deaths. The men dealt with are Stephen Girard, John Jacob Astor, Cornelius Vanderbilt, J. P. Morgan, John D. Rockefeller, and Henry Ford.

Andrew Jackson: Symbol for an Age. BY JOHN WILLIAM WARD. (New York: Oxford University Press. 1955. Pp. xii, 274. \$4.75.)

A brief analysis by a university teacher of English of Andrew Jackson as an embodiment and symbol of the age to which his name has been attached.

Tom Watson: Agrarian Rebel. BY VANN WOODWARD. (New York: Rinehart & Co., Inc. 1955. Pp. xvi, 518. \$5.00.)

The reprinting of a biography of a famous Southern politician originally published in 1938.

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FRANKLIN L. BURDETTE

University of Maryland

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FOREIGN AND COMPARATIVE GOVERNMENT

La Nueva Constitución de Puerto Rico: Informes a la Convención Constituyente preparados por la Escuela de Administración Pública de la Facultad de Ciencias Sociales. (Rio Piedras, Puerto Rico: University of Puerto Rico, School of Public Administration. 1954. Pp. xix, 609.)

In 1950 Congress enacted a law authorizing Puerto Rico to draft its own constitution and thus achieve "commonwealth" status within the American Union. This proposal was eagerly accepted by the Puerto Rican people in a referendum held a few months later, and delegates were elected to a constitutional convention. The convention met in August of 1951 and completed the draft of Puerto Rico's present constitution after nearly five months of steady work.

The members of the faculty of the University of Puerto Rico's School of Public Administration were fully aware of the preliminary steps usually taken in a progressive state of the American Union before the opening session of a constitutional convention—the collection of other constitutions and similar documents for comparative purposes, and the analysis of problems likely to require the attention of the delegates. Such preliminary steps were especially necessary in the case of Puerto Rico, because of the unusual complexity of the task that confronted the delegates. They had to face a whole series of new problems, including the nature and even the name of this "Associated Free State."

So the School of Public Administration put its staff to work preparing the necessary background material. Assistance was provided

by other members of the faculty of the University of Puerto Rico, and even by some experts from the United States. All the investigators worked as a group; the reports prepared by individuals or small sections were subsequently discussed and revised by the group before presentation to the constitutional convention. Many of the group's recommendations were accepted by the convention, which subsequently expressed its formal thanks to the School of Public Administration for a job well done.

The thanks were fully deserved. The reports covered the widest possible range of subjects—the relations of Puerto Rico with Spain, and subsequently with the United States from 1898 to 1951; the bill of rights; the thorny problem of amendment; and, in great detail, the proposed organization of the new government. The authors proved their thorough familiarity with jurisprudence in the United States and with the literature of American political science. They drew extensively on European experience, also. In fact, they could scarcely have done a better job.

It is extremely fortunate, therefore, that the results of their investigations have now been made available in book form. The book, published in 1954 under the title *La Nueva Constitución de Puerto Rico*, runs to more than six hundred pages. It has an introduction by Professor Carl Friedrich of Harvard, who was one of the visiting investigators. There are extensive footnotes, bibliographies, appendices—in fact, all the trappings as well as the substance of scholarship.—AUSTIN F. MACDONALD, *University of California*.

Germany Reports. (German Federal Government: Press and Information Office. 1953. Pp. 367. \$3.00.)

Germany traditionally was well supplied with official and unofficial yearbooks, handbooks, and manuals containing detailed information on governmental institutions. These were casualties of the Second World War and of the troubled years which immediately followed. The remarkable revival of West Germany since 1948 has been paralleled by a reappearance of this type of literature. Among the various private undertakings, one may cite the excellent *Deutschland Jahrbuch*, edited by Klaus Mehnert and Heinrich Schulte (1st ed., 1949; 2nd ed., 1953). The West German cities and states have resumed their official manuals and directories. Since its inception in 1949, the Federal Republic has produced official publications of all sorts. For example, the *Handbuch für die Bundesrepublik Deutschland*, the successor to the *Handbuch für das Deutsche Reich*, was published in 1953 by the Federal Ministry of the Interior. In the following year, the Press Office of the German Diplomatic Mission in Washington prepared the attractive *Handbook of German Affairs*.

Germany Reports is the English edition of a somewhat longer work (416 pages), *Deutschland Heute*, issued in 1953 by the Federal Press and Information Office in Bonn. It covers political, economic, social, cultural, and religious developments from May, 1945 through part of 1953. Numerous statistical tables, graphs, maps, and pictures are included. While the main emphasis is on West Germany, there is also much information on Berlin and East Germany.

Although *Germany Reports* is intended to present the official German interpretation of events, it is carefully done. There are a few mistakes, some in English spelling or translation and others of a substantive character. Thus in the German edition (p. 65), it is correctly stated that the first elections in the U. S. Zone were for the *Gemeinde* councils. In *Germany Reports* (p. 44), it is said that county (*Kreis*) elections came first. However, these minor errors do not detract appreciably from the usefulness of the volume to the American political scientist and the general reader.—ROGER H. WELLS, *Bryn Mawr College*.

Die Deutschen Parteien seit 1945. BY OSSIP K. FLECHTHEIM. (Berlin: Carl Heymanns Verlag. 1955. Pp. ix, 158.)

German scholarship has long neglected the

"political science" approach to the study of political parties as distinguished from the study of their origin, history, and ideology. The present source-book closes an important gap in this connection. It contains carefully selected, ably introduced material on such matters as party organization and party statutes, programs, financial resources, composition of membership and leadership as to social origin, age, and sex, representation in parliaments, and relationship between party at large and parliamentary "fractions"; there is interesting and generally up-to-date statistical material, and also information, sometimes difficult to come by, on the less well-known smaller parties of West Germany, such as BHE (the party of refugees and expellees) and DP (German party).

Most of the material here presented is scattered in publications not easily accessible in this country; the volume might, therefore, prove of value to those in the United States who wish to study German affairs closely. It would be a welcome source for reference in teaching comparative government if it could be made available in English.—JOHN H. HERZ, *The City College*.

The French Labor Movement. BY VAL R. LORWIN. (Cambridge: Harvard University Press. 1954. Pp. xix, 346. \$6.00.)

An able study of the French trade union movement, the first two parts of which deal with the historical background of the trade union "movements" from 1789 to 1953. This development has been marked by elements both of continuity and of discontinuity, the liberation of France in 1944 illustrating the last of the "apparent discontinuities." Part III "describes and discusses the structure and functioning of the unions, their relative strength and influence, their collective bargaining relationships, their role within the shop, and their relationships to the political parties." One may agree with Professor Donald C. McKay in the "Foreword" that this is a "wide-ranging and perceptive treatment" and that "No one who has a serious interest in the ills which have beset France in these recent years of crisis and who would find his way through the travail of this gifted but harassed people can afford not to read and ponder this book's findings."—R.T.C.

Political Parties: Their Organization and Activity in the Modern State. BY MAURICE DUVERGER. TRANSLATED BY BARBARA AND

ROBERT NORTH. (New York: John Wiley & Sons, Inc. 1954. Pp. xxxvii, 439.)

The first English language edition of *Les Partis Politiques*, first published in Paris in 1951, and reviewed in this REVIEW, Vol. 46, pp. 563-64 (June, 1952). This translated edition incorporates revisions subsequently made by the author and includes a brief foreword by D. W. Brogan.

Les Techniques du Travail Gouvernemental dans L'État Moderne: Étude de Science Politique et Administrative et de Droit Constitutionnel Comparé. BY ANDRÉ BERTRAND. (Bruxelles: Institut International des Sciences Administratives. 1954. Pp. 89.)

Study no. XX in the series being prepared by the International Institute of Administrative Sciences. Professor Bertrand was Chief of the Legislative Service of the General Secretariat of the Government of France and is the Director of Studies of the National School of Administration. The discussion is confined to the United States, Great Britain, and France.

The Political Novel. BY JOSEPH L. BLOTNER. (Garden City, New York: Doubleday and Co., Inc., 1955. Pp. xi, 100. \$95.)

A very brief introduction to a long list of American, some English and a few Italian, French, German, Russian, and South African political novels, grouped and analyzed under five types or categories: those serving as political instruments, as political history, as mirrors of national character, and as analyses of group, or of individual political behavior.

Members of Parliament, 1734-1832. BY GERRIT P. JUDD, IV. (New Haven: Yale University Press. 1955. Pp. viii, 389. \$6.00.)

Mr. Judd's monograph makes a unique contribution from two standpoints: (1) it comprises a detailed and absorbing analysis of the members of the British House of Commons from Walpole to the Reform Bill; and (2) the analysis has been based upon the tabulation of data by punch card and sorting machine.

The descriptions of the background, education, family, wealth, tenure, and other characteristics of some 5000 M.P.'s will likely be the definitive statement on the nature and quality of parliamentary personnel during this critical period. The author has assembled (and documented) a tremendous quantity of bio-

graphical materials and, by arranging them for machine tabulation, has explored them in detail. The study is especially valuable for its correlation of and cross-references to the many and diverse circumstances of the members. His conclusions are thus amply supported by statistical evidence and do not always jibe with the long-accepted stereotypes of the unreformed House of Commons. Finally, in a lengthy appendix he has given brief biographical details on each of the 5000 members, together with references to further source materials.

This is a pioneering effort deserving of much praise. Although the punch card no doubt has serious limitations as a tool of historical research, this able monograph shows clearly that these limits have by no means been reached.—W.S.L.

A Guide to Parliamentary Papers: What They Are: How to Find Them: How to Use Them. BY P. FORD AND G. FORD. (Oxford: Basil Blackwell. 1955. Pp. xiii, 79. 7/6.)

This most useful guide has been prepared "to assist students, researchers and those interested in public affairs who want to consult or read Parliamentary Papers." The authors have edited three volumes of lists of Parliamentary Papers, and write from a detailed knowledge of the intricacies of these important materials. They stress the Papers themselves rather than the procedures in Parliament, and present briefly information as to the various collections, the indexes, how to use the Papers as well as how to cite them, and even give a note on the Debates as well as suggestions as to the arrangement of collections of the individual Papers.—J.B.C.

The Foreign Office. BY LORD STRANG, G. C. B., G. C. M. G., LATELY PERMANENT UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS, AND OTHER MEMBERS OF THE FOREIGN SERVICE. (London: G. Allen & Unwin; New York: Oxford University Press. 1955. New Whitehall series [2]. Pp. 226. 15s.)

The work, although not subjected to the stamp of official conformity, is basically a work about the British Foreign Service by the Foreign Service, having as appendices the Foreign Office departmental structure and departmental allocation of work, as of October, 1954.—J.B.C.

Le Régime Politique Britannique. BY ANDRÉ

МАТНЮТ. (Paris: Librairie Armand Colin. 1955. Pp. 335.)

A general description of the British political system, in which the author's primary interest is in the means by which that system reconciles the needs of effective governmental power with the preservation of popular liberties. This is a new issue by the *Fondation Nationale des Sciences Politiques* and is offered as the first of a series of the political institutions of the great countries of the world.

Bibliografie van in Nederland verschenen officiële en semi-officiële uitgaven. XXV. 1953. By the Koninklijke Bibliotheek. ('s-Gravenhage: Staatsdrukkerij. 1954. Pp. 228. F. 3.50.)

The new volume of the annual list of Netherlands official publications now departs from the long-established title *Nederlandse overheidsuitgaven*, taking into account the steady increase in publications issued by semi-official institutions, especially in the field of scientific reports. The work is an indispensable tool for anyone wishing to keep abreast of the activities of the government in the Netherlands, and might well serve as a model for similar work in many another foreign country.—J.B.C.

De ondergrondse pers, 1940-1945. By L. E. WINKEL. ('s-Gravenhage: M. Nijhoff, 1954. Rijksinstituut voor Oorlogsdocumentatie, nr. 6. Pp. 414.)

The Netherlands Institute for War Documentation even in 1943 began the collecting of the Dutch underground press, and eventually secured about 50,000 copies representing some 1,200 papers. The present work by Miss Lydia E. Winkel gives a brief history and catalog of these papers, which meant so much to the Dutch people in arousing the spirit of resistance to the German occupation. Information about each paper has been verified so far as possible by actual participants, cooperation in this having been refused only by the Netherlands Communist party. At the end, there is a 14-page English summary for the benefit of those not reading Dutch readily.—J.B.C.

Die Abgabe amtlicher Drucksachen an die öffentlichen Bibliotheken. Das Pflichtexemplarrecht für amtliche Drucksachen in Deutschland von seinen Anfängen bis zum gegenwärtigen Stand. Zugleich Grundlagen für eine Neuregelung. By HEINRICH KASPER. (Köln: Greven Verlag, 1954. Pp. 167.

Arbeiten aus dem Bibliothekar-Lehrinstitut des Landes Nordrhein-Westfalen, Heft 4.)

The survey of provisions for the distribution of the official publications of both national and state governments in Germany to libraries is intended as a basis for systematic regulation of the matter. Both the Federal Republic and the Democratic Republic are included in the survey. There had never been a systematic provision for the depository distribution to libraries of all the official publications of the national government such as has long existed in the United States. The monthly catalog of German official publications which had been prepared by the Deutsche Bücherei, Leipzig, 1928-1944, is a publication which should be resumed again, if only for the Federal Republic. The survey should serve as a stimulus for a better over-all treatment of the matter of official publications.—J.B.C.

Ämtliches Gemeindeverzeichnis für die Bundesrepublik Deutschland, 1953. (*Bevölkerungs- und Gebietsstand, 31.12.1953.*) By STATISTISCHES BUNDESAMT, WIESBADEN, (Stuttgart, Köln: W. Kohlhammer Verlag, 1954. Pp. viii, 420, map. Statistik für die Bundesrepublik Deutschland, Band 108. DM 15.)

The official list of cities and towns in the German Federal Republic gives the population and area by local government districts and also by special types of districts for the federal government (courts, finance, customs, etc.) with the principal section being a systematic list of cities by state. There is a special table for changes in name and boundary. A map of administrative boundaries is included at the end. An earlier edition had been published in August, 1952, as vol. 33 of the *Statistik der Bundesrepublik Deutschland*.—J.B.C.

Personal der öffentlichen Verwaltung am 2.10. 1952. By STATISTISCHES BUNDESAMT. (Stuttgart, Köln; W. Kohlhammer Verlag. 1954. Statistik der Bundesrepublik Deutschland, Band 84. Pp. 38. DM 2.)

The statistics of public officials in the German Federal Republic includes not only the Federal government but also those of the *Länder* and of the municipalities, and deals also with the types of service, taking up such points as the utilization of women, of refugees, and the *Schwerbeschädigte* in the public service. A previous edition was issued as of February 9, 1950—J.B.C.

Der zweite Deutsche Bundestag; sein Vorgesichte, sein Aufbau, und sein Werden. BY HANS TROSSMANN. (Bonn; Verlag Bonner Universitäts-Buchdruckerei Gebr. Scheur G.m.b.H. 1954. Pp. xiii, 384.)

This manual about the second German Bundestag, prepared by the *Direktor beim Deutschen Bundestag*, begins with a brief review of German political institutions, 1945-1953, and includes the text of the Federal Constitution, a statement about the election law, the membership of committees, an alphabetical biographical directory of the 487 members of the Bundestag, statistical tables of the elections by district for both 1949 and 1953, and the rules for both the Bundestag and the Bundesrat.—J.B.C.

Las Constituciones del Perú. (Exposición, crítica y textos.) BY JOSÉ PAREJA Paz-Soldan. (Madrid: Ediciones Cultura Hispánica. 1954. Las Constituciones hispano-americanas, 6. Pp. 1075. Ptas. 150).

A collection of the texts of all the constitutions of Peru and related constitutional acts, preceded by a considerable study of these by a competent authority, who is a professor at the Universidad Católica del Perú. The series, edited by Manuel Fraga Iribarni, has included similar works for Ecuador, Cuba, Argentina, Puerto Rico, and Panama.—J.B.C.

Egypt's Liberation: The Philosophy of the Revolution. BY PREMIER GAMAL ABDUL NASSER. (Washington, D.C.: Public Affairs Press. 1955. Pp. 119. \$2.00.)

A description by Egypt's chief of state of the motives and aspirations (as well as the disappointments) of the revolutionaries.

Diritto Costituzionale. BY PAOLO BISCARETTI DI RUFFIA. (Napoli: Casa Editrice Dott. Eugenio Jovene. 3rd ed. 1954. Pp. xxiv, 611.)

The third edition of a standard Italian text in constitutional law; the first edition appeared in 1946, the second in 1949-50. This edition is marked by a heavier emphasis upon the constitutional law and political institutions of Italy. It is a heavily documented book, evidencing the typical emphasis of Italian texts upon the formal aspects of constitutional development. The author makes considerable use of writings by American authors on American government and constitutional law.

La France au XX^e Siecle. BY ROBERT LACOUR-

GAYET. (New York: The Dryden Press. 1954. Pp. x, 329. \$3.25.)

The author, a professor at St. John's University and Lecturer on French Civilization at New York University, has served as Financial Attaché to the French Embassy in Washington. He seeks to furnish a general survey and picture of French life, "political and economic, artistic and literary, philosophical."

Vichy: Political Dilemma. BY PAUL FARMER. (New York: Columbia University Press. 1955. Pp. 376. \$5.50.)

The author presents a sober analysis of the behavior of the Vichy men, their motives, and the results which they obtained, both good and bad. His general finding is stated in the prologue: "Not only would it be presumptuous to divide the men of Vichy into patriots and traitors—it would be fatuous. For most of these men were neither heroes nor villains. Like their adversaries, they were, rather, men who acted from a mixture of high and low motives, in search of both public and private interest" (p. 4).

The Fate of the French Non-Communist Left. BY E. DREXEL GODFREY, JR. (Garden City: Doubleday & Co. Inc. 1955. Pp. ix, 75. \$95.)

This short study attempts to explain and assess the reasons behind the "anemia of the only forces that could counter the strident postwar power of the French Communists."

The French Constitution and the Social Question in the Old Regime, 1700-1789. BY LESTER B. MASON. (Bonn: Heinrich Trapp. 1954. Pp. 117.)

An analysis of the concepts and ideas of prominent 18th century French political philosophers and others on the nature of the French Constitution under the Old Regime.

Soviet Power and Policy. BY GEORGE B. DE HUSZAR AND ASSOCIATES. (New York: Thomas Y. Crowell Company. 1955. Pp. x, 598. \$6.50.)

Fourteen co-authors bring together a wealth of useful data pertinent to the book's topic. The main part of the volume deals with various ingredients of Soviet power, ranging from geographical and demographical factors to the armed forces and the police apparatus. Having thus analyzed Soviet strengths and weaknesses, the authors described the Soviet expansion in Eurasia. Each chapter is accompanied by a selected bibliography.

The Origin of the Communist Autocracy: Political Opposition in the Soviet State. First Phase: 1917-1922. By LEONARD SCHAPIRO. (Cambridge: Harvard University Press. 1955. Pp. xv. 397. \$7.00.)

The Russian Revolution, 1917: A Personal Record by N. N. Sukhanov. EDITED, ABRIDGED, AND TRANSLATED BY JOEL CARMICHAEL. (London, New York and Toronto: Oxford University Press. 1955. Pp. xxxvii, 691. \$10.00.)

Both of these books deal with the Russian revolution of 1917 and its immediate aftermath. Mr. Schapiro concerns himself primarily with the groups which opposed Lenin, both within and without the Bolshevik party, and his book is an historical study based on a wealth of documentary materials, mostly Russian. Mr. Sukhanov's book is the report of an eyewitness and participant. The author, who joined the Bolshevik party in 1917 but soon began to oppose Lenin (who used to call him a "Quarter Bolshevik"), registered his reminiscences of the events in a seven-volume *Notes on the Revolution*, published in Russian in 1923. The present volume is a sharply abridged translation of the original work.

Nine Soviet Portraits. By RAYMOND A. BAUER WITH ASSISTANCE OF EDWARD WASIOLEK. (Boston: Massachusetts Institute of Technology; New York: John Wiley & Sons, Inc. 1955. Pp. viii, 187. \$3.95.)

Using materials gathered from interviews with Soviet refugees, the author gives a "set of synthetic portraits of typical Soviet types"

from different walks of life (e.g., students, a woman collective farmer, a factory director).

Institutional Changes in the Postwar Economy of Poland. By W. J. STANKIEWICZ AND J. M. MONTIAS. (New York: Mid-European Studies Center, Free Europe Committee, Inc. 1955. Pp. 125.)

One of the Free Europe Committee's publications on Moscow's European satellites. Basing their study on primary Polish materials, the authors trace the gradual adaptation of the Polish economy to the Soviet model.

The Men Who Ruled India: The Guardians. By PHILIP WOODRUFF. (New York: St. Martin's Press. 1954. Pp. 385. \$5.00.)

The second volume of a study of British rule in India by a distinguished British civil servant who served in India from 1928 to 1947. Covering the period from 1858 to 1947, this book is an illuminating and scholarly account of the many civil wars from which both Britain and India emerged with greater respect for each other.

Democratic Government in India. By N. SRINIVASAN. (Calcutta: The World Press, Ltd. 1954. Pp. 404. Rs. 10/-.)

A comprehensive textbook on the government of India giving considerable attention to the political heritage of Hindu and Muslim India and to British control of India. The excellent analysis of the Constitution of India is accompanied by comparisons with the constitutions of other nations.

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INTERNATIONAL LAW AND RELATIONS

Toward International Understanding. By YASAKA TAKAGI (Tokyo: Kenkyusha. 1954. Pp. vii, 180. 250 yen.)

There is at present a growing awareness of the importance of American-Japanese relations on the part of Americans, particularly in the face of the continuing tension between the Communist bloc and the Free World. In the study of the more than one hundred years that have elapsed since relations were first established between the United States and Japan can be discerned lessons for the future. The first fifty years from the arrival of Townsend Harris in Japan as American diplomatic representative in 1856 to the end of the Russo-Japanese War in 1905 witnessed one of the most cordial periods in the history of inter-

national relations of the modern age. It was an unqualified "era of good feeling" in which the United States offered tutelage to Japan in the role of guardian and mentor. It was remarkable that such genuine cordiality existed between two nations of such different cultural backgrounds and traditions. In contrast, the second half century which followed was perhaps unduly tragic, for it was a period of continuous succession of war scares, suspicion, and distrust engendered and nourished by jingoists and yellow journalism on both sides of the Pacific, which eventually culminated in a war that was perhaps neither inevitable nor necessary.

Toward International Understanding, by the Hepburn Professor Emeritus of American

Government and History at the University of Tokyo, is a work which records only partly the author's nearly forty years of selfless devotion to and unremitting efforts for the improvement of American-Japanese relations in the face of the steadily deteriorating situation in the unhappy period since World War I. The author has included two confidential letters written by him to U. S. Ambassador Joseph C. Grew in September, 1941 at a time when tension was rapidly mounting and reaching a dangerous point. These letters, published here for the first time, are a valuable addition to the source materials of the history of the period immediately preceding Pearl Harbor.

Students of Japanese government and politics will find the part on "Problems of Democracy in Japan" of special interest since it contains the author's views and comments on the Draft Constitution of March, 1946. His appraisal of the role played by Prince Konoye in 1945 in the efforts to revise the Constitution is a valuable contribution to the literature of the subject.

The author feels that Japan has "not yet developed a true understanding of the concepts of human personality and universal human rights which would be a prerequisite for the growth of any real democracy and a common basis for the establishment of a community of sympathy among free nations." Dr. Takagi realizes keenly the importance of foresight and of timing of decision and action on the part of the political leaders both domestic and international and it is to this that he devotes the third part of his volume.

Toward International Understanding is a documentation of the author's indefatigable efforts toward international peace and a search for a "new spiritual basis of life and of our civilization" which he began in 1919, a search to which he has dedicated his life. As a well-known protégé of the late Dr. Inazo Nitobe, the author is admirably qualified to write of one of Japan's greatest internationalists. This is a work which reflects the thoughts and aspirations of the liberal internationalist element in Japan—of which Professor Takagi has always been a prominent member—and as such deserves a wide audience, especially among those who are gravely concerned about the strengthening of present and future relations between Japan and the United States.—CHITOSHI YANAGA, *Yale University*.

Approaches to Economic Development. By NORMAN S. BUCHANAN AND HOWARD S.

ELLIS. (New York: The Twentieth Century Fund. 1955. Pp. xiv, 469. \$5.00.)

This is a complete and very readable account of the subject under discussion. Both its analytical and its empirical aspects are effectively dealt with. The book is admirably suited, therefore, to meet both the requirements of college courses concerned with economic development and the demands of scholars and others in search of a rounded treatment of the subject. Political scientists and sociologists will find the study as useful as will economists.

The past research interests of the authors have prepared them for doing the present volume. Professor Buchanan has made notable contributions to the field of international economics and has authored what is still one of the best books on the corporation (so important in the development of advanced countries). Professor Ellis has made important contributions to the fields of money and international finance as well as to the study of the alternative arrangements open to men for the organization of economic activity. Both authors have worked in the field of investment, whereon economic development significantly depends.

The book is divided into three parts. The first part has to do with the analytical aspect of the problem. In it the authors define what is meant by an underdeveloped area, treat of the determinants of real income, consider capital accumulation and allocation, and examine the role of social, cultural, and demographic factors in development. The second part deals with economic development as recorded history. It embraces accounts of progress in the past and present and of the pace of material progress in the past; analyses of the early economic development of England and Western Europe, along with Europe overseas; and reviews of economic progress in Japan (since 1868) and the U.S.S.R.

The third part, concerned with achieving development in the contemporary world, comprises half the book. The subjects to which attention is given follow: the contribution of agricultural development to the increase of welfare; commerce and industry in economic development; domestic financing of development, both out of private savings and out of governmental funds; financing economic development out of foreign private capital and out of public loans and grants to underdeveloped countries; underdeveloped coun-

tries in international trade; a general view of economic development; and the interests and responsibilities of the United States. Statistical appendices on international differences in calorie intake, and in agricultural population pressure, and on indicators of capital inputs, together with an appendix on population growth, are included. There are included in addition six figures, 43 tables, an index of authors, and a useful subject index. The format is attractive.

Perhaps the outstanding characteristic of the work is the authors' recognition of the magnitude of the difficulties that stand in the way of economic development, difficulties that are frequently recalcitrant and sometimes unsurmountable. It is to be hoped, therefore, that the secretariats of international agencies concerned with economic development, together with the responsible officials of underdeveloped countries, will study this book and pay heed to the authors' findings and suggestions. It is to be hoped also that American legislators will give careful attention to the last chapter.

—J. J. SPENGLER, *Duke University*.

Foreign Policy Analysis. BY FELIKS GROSS.
(New York: Philosophical Library, Inc.
1954. Pp. xxiv, 179. \$3.75.)

Felix Gross, in his own words, has attempted "to apply scientific thinking and concepts to foreign policy analysis." He views foreign policy as a "social process" in which "three essential concepts are distinguished: 1) ideology—and foreign policy objectives as part and result of the former; 2) factors as elements of power (such as economic, military, population, geographic, and other factors); 3) policies, as courses of action" (p. xv). Before reaching his basic discussion of these three points (in Chapters IV, V, and VI, respectively) he takes us through the "Scientific Approach" (Chapter I), "Causation" (Chapter II), and "Semantics and Terminology" (Chapter III). Then in Part 3 he deals with the need for "Forecast" in foreign policy (Chapter VII), and follows with a concluding chapter.

Mr. Gross' approach is from a mixed sociological-political science background. Thus he attempts what can properly be called an interdisciplinary approach. He also, quite naturally, is frequently concerned with the meaning of words, both because he wishes to use sociological terms to explain political concepts and because so many foreign policy terms are admittedly ambiguous. This word-play becomes on occasion a burden to the reader, as

for example (pp. 158-59): "We usually discover an interdependence, which we call function [why not call it interdependence?], and which, if translated into causal relationship, might have the character of mutual simultaneous causation" [why not, "they are interacting?"]. This comes down to saying that "interdependent factors are interacting."

This is, however, one of the worst of such instances. And interspersed are a great number of historical and analytical observations of interest and importance. For instance, on pages 86 and 114 are some well-done and succinct points on the role of power in international affairs: "Power does not equate with power like two and two. The same amount of power in American hands is a different proposition from the same amount of power in Soviet hands" (p. 114). This is a simple point, but is too often overlooked in abstract discussions on power. At another place (pp. 148-51) Mr. Gross shows, with quotations, how the Russians and the British, in the crucial days just preceding the Nazi-Soviet Pact, agreed in separate secret minutes, each unknown to the other, on the alternatives among which Russia had to choose. His point, well taken, and excellently illustrated in sufficient detail, is that foreign policy alternatives can be logically analyzed by competent experts completely aside from national biases.

Specialists in international relations, whatever their reaction to the theoretical discussion, will find these interspersed "nuggets" worthwhile reading. The theoretical treatment itself will probably provoke a more mixed response. While it is, on the whole, well done, it does not leave one with the feeling that Mr. Gross has accomplished all he set out to do. But then his aim was an extremely ambitious one.

Danger in Kashmir. BY JOSEF KORBEL.
(Princeton: Princeton University Press.
1954. Pp. xvi, 351. \$5.00.)

Besides the mass of documentary and partisan literature on the Kashmir dispute there are at least two studies of general interest to the Western reader. The present work stems from Korbel's experience as Czechoslovakian member and chairman of the United Nations Commission sent out in 1948 to mediate the fighting in Kashmir. Michael Brecher's *The Struggle for Kashmir*, published two years ago (see this *Review*, Vol. 48, p. 590, June, 1954), was a doctoral dissertation based upon the available published materials plus a visit to India, Pakistan, and Kashmir in 1951-52.

The contents of the two works are similar. Each provides a general background to Kashmir affairs and then takes up systematically the story of Indian partition, the invasion and accession of Kashmir, and then the long record of the conflict and the successive attempts at mediation and solution through the United Nations. Each ends with a picture of conditions in Kashmir itself and an estimate of the international consequences of the whole dispute.

There are, however, differences in the handling of the problem by the two authors. Brecher leans heavily upon official sources and his accurate bibliography includes a record of U.N. documents—though it is less complete on Kashmir and secondary items. Korbél, in his official capacity, contributes more of personal observation and the bibliography is more casual. U.N. documentation is lacking in the latter but the author does cite such sources in his footnotes, and his appendices (five in number) provide the texts of U.N. materials on specific aspects of the problem. Chronologically, Brecher entered Kashmir at a later date, but his sources, except for Dr. Graham's fifth report, are no later than 1952 and we have, for instance, no intimation of the fall of Abdullah. Korbél's account carries through June, 1954.

A basic difference in the two works is to be found in the conclusions. Brecher appears more critical of Pakistan attitudes. He proposes that mediators get at the root of the Kashmir dispute and abandon the "fringe" approach of attempting to solve technical details of a plebiscite. Korbél places final emphasis on the problem of Communist influence and what he considers the crucial danger the free world faces in Russian infiltration into the Kashmir vacuum. He seems almost to regard any plebiscite solution as hopeless in the face of current Indian and Pakistan attitudes.

Korbél's is certainly the most readable account to date and his conversations with Sheikh Abdullah, Nehru, Bajpai, and others are dramatically told. Fleet Admiral C. W. Nimitz contributes an illuminating foreword.—D. MACKENZIE BROWN, *University of California (Santa Barbara)*.

UN: The First Ten Years. By CLARK M. EICHELBERGER. (New York: Harper & Brothers. 1955. Pp. xii, 108. \$1.75.)

A careful and informed summary of the United Nations' work and development, looking toward the prospect of charter revision. Useful because it gives in short compass an overview of the whole while supplying enough

detail to make such an examination meaningful. The author is Executive Director of the American Association for the United Nations and an ardent advocate of the U. N. system but his judgments and proposals are temperate and realistic.

The United Nations and How It Works. By DAVID CUSHMAN COYLE. (New York: The New American Library of World Literature, Inc. 1955. Pp. 208.)

A concise, handy volume on the nature, structure, and activities of the United Nations, especially useful for its summaries of the principal controversies of the first ten years.

Nationalism: Myth and Reality. By BOYD C. SHAFER. (New York: Harcourt Brace and Company. 1955. Pp. x, 319. \$5.00.)

A worthwhile attempt to wrestle once again with that powerful but indefinable force of world politics—nationalism. Focusing mainly on France, Britain, and the United States, Professor Shafer is content to show how many different factors enter into the growth of nationalism and in how many different ways its influence is exerted; from this very complexity he draws the hopeful conclusion that nationalism is not unchanging, unlimitable, or even eternal.

Political Warfare: A Guide to Competitive Co-existence. By JOHN SCOTT. (New York: John Day Company. 1955. Pp. 249. \$3.75.)

A description of the elements of political warfare, and an insistence upon the importance of such activity as an alternative to real warfare, with the further suggestion that this is not a separate, secret weapon so much as a "way" of doing things. A former foreign correspondent, the author is now assistant to the publisher of *Time*.

Survey of International Affairs, 1952. By PETER CALVOCORESSI, ASSISTED BY KONSTANZE ISEPP. (London, New York, Toronto: Oxford University Press. 1955. Pp. viii, 473. \$7.20.)

Documents on International Affairs, 1952. SELECTED AND EDITED BY DENISE FOLLIOT. (London, New York, Toronto: Oxford, University Press. 1955. Pp. xvii, 529. 55s.)

The Royal Institute's highly factual and useful summary continues through a year marked by General Eisenhower's election, high hopes for the European Defense Community, and Marshal Stalin's insistence upon the inevitability of conflict among the capital-

ist states. George Kirk records the dismissal of King Farouk and F. C. Jones contributes the chapters on the Far East. The Documents volume is arranged to correlate with the Survey chapters.

Problems in International Relations. EDITED BY ANDREW GYORGY AND HUBERT S. GIBBS. (New York: Prentice-Hall, Inc. 1955. Pp. xiii, 313. \$3.75.)

Case studies in contemporary international politics, dealing with specific aspects of the Communist challenge and Western response, the role of smaller states, ideological factors, the United Nations, and international law. The editors supply a brief analysis of each problem, and a chronological or factual article follows.

Britain and the Tide of World Affairs. BY OLIVER S. FRANKS. (London: Oxford University Press. 1955. Pp. 71. 5s.)

This thoughtful and thought-provoking little book by the former ambassador to the United States comprises the B.B.C. Reith Lectures for 1954. Its thesis is courageous, simple, and profound, namely that Britain can continue as a great power but only as a "total democracy," one in which the people accept responsibility for hard decisions and are willing to understand and support the policies they give rise to.

Sir Oliver argues further that there are three areas of association in which Britain must be primarily concerned, "three circles of life and power": the Commonwealth, the United States, and Western Europe. Each of these has undergone far-reaching changes in recent years and the author, with insight and acuity, analyzes the changes in each of the three. The British people, too, must comprehend and work from these changed conditions and, doing so, may provide a democratic foundation upon which British policy may rest. If these conditions are satisfied, Britain's influential place in the world can be assured and she can continue to make a significant contribution to the prosperity, peace and security of the future.

Imperial Policy and South Africa, 1902-10. BY G. B. PYRAH. (Oxford: Clarendon Press. 1955. Pp. xvi, 269. \$5.60.)

This interesting and useful book is built on two different but closely related themes. One is the rapid development of self-government in South Africa, which, in the decade after the

Boer War, led to the establishment of the Union; the other is the relation between the imperial policies of the two major British political parties, as illustrated in South Africa. It is the latter in which the author is principally interested; his thesis is that Liberal imperial policy in this period forms a connecting link between the nineteenth-century Liberalism of Durham and Gladstone and the latter-day development of dominion status and the modern Commonwealth.

Great Britain and the United States: A History of Anglo-American Relations (1783-1952). BY H. C. ALLEN. (New York: St Martins Press, Inc. 1955. Pp. 1024. \$10.00.)

A massive study, which opens with an examination of the nature of the Anglo-American relationship and then proceeds to a detailed study of the evolution of that relationship from the days of the American Revolution to the post-World War II period. The author has recently been appointed to the Chair of American History at the University of London.

Foreign Relations of the United States: Diplomatic Papers, 1937. Vol. I. General. (Washington: U. S. Government Printing Office. 1954. Pp. viii, 1015. \$4.25.)

Foreign Relations of the United States: Diplomatic Papers, 1937. Vol. II. The British Commonwealth, Europe, Near East and Africa. (Washington: U. S. Government Printing Office. 1954. Pp. vii, 971. \$4.25.)

Foreign Relations of the United States: Diplomatic Papers, 1937. Vol. III. The Far East. (Washington: U. S. Government Printing Office. 1954. Pp. 1008. \$4.25.)

These are the first of five volumes documenting foreign relations of the United States during 1937. Volume I is a mixed bag concerned with the lagging efforts at disarmament, the problems arising from the Spanish Civil War, efforts at international economic cooperation, the Department's reaction to proposed neutrality legislation, and other matters; Volume II is heavily weighted with negotiations concerning trade agreements, commercial concessions, and debt settlement, and reflects increasing disfavor for the policies of Hitler Germany; Volume III (to be followed by another on the same area) is devoted almost entirely to the undeclared war between Japan and China, including relevant internal developments in China.

The United States and Argentina. By ARTHUR P. WHITAKER. (Cambridge: Harvard University Press. 1954. Pp. xv, 262. \$4.75.)

A description of the Perón regime as it relates to United States interests and objectives. More than one-half of this small volume deals with the period 1943-1954. It is the belief of the author that a long-range examination of the relations between the United States and Argentina must be focused on the Perón regime. His conclusion is that Perón's Yankee-phobia is not out of line with the average Argentine view.

Latin America and the United States. By GRAHAM H. STUART. (New York: Appleton-Century-Crofts, Inc. Fifth Edition. 1955. Pp. ix, 480. \$6.00.)

The fourth edition of this textbook on United States-Latin American relations was published in 1945. In most instances the older chapters are brought up to date in rather summary fashion. New material has been added covering the Communist threat and the implementation of the Good Neighbor policy during World War II.

A History of United States Foreign Policy. By JULIUS W. PRATT. (New York: Prentice-Hall, Inc. 1955. Pp. xxiv, 808.)

A new diplomatic history that manages to touch on events through the latter part of 1954, although the post-World War II era is dealt with in about 90 pages; included are three useful introductory chapters on "The Aims of Foreign Policy," "The Tools of Diplomacy," and "The Tools of Force."

A Diplomatic History of the American People. By THOMAS A. BAILEY. (New York: Appleton-Century-Crofts, Inc. 5th Edition. 1955. Pp. xxviii, 969. \$6.50.)

New edition of an old text brought down through late 1954, and with the admirable bibliography similarly extended.

Crusade in Asia. By CARLOS P. ROMULO. (New York: John Day Company. 1955. Pp. 309. \$4.00.)

The Philippines' best-known international figure writes a vigorous story of politics in his homeland, of Magsaysay's victory, of Asian relations, and of the Communist tactics and challenge in that part of the world.

Modern Colonialism: Institutions and Policies. By THOMAS R. ADAM. (Garden City, New

York: Doubleday & Company, Inc., Doubleday Short Studies in Political Science. 1955. Pp. viii, 88. 95¢.)

A valuable brief survey which places colonialism in a world politics setting, considers the objectives and consequences of colonialism, studies the patterns of governing, and looks into economic and social policies, and race and nationalism.

Admiral Ambassador to Russia. By WILLIAM H. STANDLEY AND ARTHUR A. AGETON. (Chicago: Henry Regnery Co. 1955. Pp. 533. \$6.00.)

Admiral Standley's report of his eighteen months' service as United States Ambassador to Russia, beginning in the crucial period of early 1942. He avoids the criticism that only hindsight makes possible, but expresses his discontent with the administration's vagueness and dilatoriness, and his resentment at the frequent special negotiators who seemed to undercut his position.

The Legal Status of the Chinese Abroad. By HUANG TSEN-MING. (Taipei, Taiwan: China Cultural Service. 1954. Pp. 347.)

A reprint of a 1936 limited edition, this is a highly factual and historical survey of the national and municipal legislation of many countries, as such laws affect Chinese immigrants and aliens. The author is presently an Associate Justice of the Judicial Yuan of the Nationalist government.

A Half Century of International Problems: A Lawyer's Views. By FREDERIC R. COUDERT, EDITED BY ALLAN NEVINS. (New York: Columbia University Press. 1954. Pp. xix, 352. \$4.00.)

Senior partner of Coudert Brothers, and a practicing international lawyer since the turn of the century, Mr. Coudert reveals in this collection of essays and speeches—the earliest dated 1905—a continuing interest in law, order, international community, and civilized living; Allan Nevins provides the historical setting and Philip C. Jessup the introduction.

How Can Europe Survive? By HANS F. SENNHOLZ. (Toronto, New York, London: D. Van Nostrand Co., Inc. 1955. Pp. iv, 336. \$4.00.)

An examination of various schemes for European unity, from Streit and Coudenhove-Kalergi through NATO and ECSC. The real answer to the title question, according to the author, is to replace government planning

and welfare state policy—which lead only to economic nationalism and conflict—with peaceful cooperation based on individual liberty and free enterprise.

Ukrainian Nationalism, 1939–1945. By JOHN A. ARMSTRONG. (New York: Columbia University Press. 1955. Pp. 322. \$5.00.)

After briefly tracing the origins of Ukrainian nationalism the author analyzes the programs and activities of various Ukrainian nationalist groupings from the partition of

Poland in 1939 to the re-establishment of the Soviet rule over the Ukraine in 1945. A major purpose of his study was to learn whether Ukrainian nationalism possessed the potentiality of arousing the emotions of the "common man." His answer is in the affirmative as far as Western Ukraine is concerned. With regard to Eastern Ukraine he found that Ukrainian nationalism attracted a large proportion of the intelligentsia, but that it "was unable to penetrate the masses of the population to any great extent."

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H. ARTHUR STEINER*

University of California (Los Angeles)

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POLITICAL THEORY, RESEARCH, AND METHODOLOGY

Graduate Education and Research in Government in the South: A Report of the Advisory Commission on Graduate Education and Research in Government in the South. (Atlanta: Southern Regional Education Board. 1954. Pp. ix, 77.)

The strength of this study, prepared by a distinguished Advisory Commission aided by Lee S. Greene as Study Director, is its review of the many evidences of the dramatic progress of Southern political science and research on government. These evidences include: the doubling, since Robert S. Rankin's 1946 study, of the number of institutions offering graduate work in political science; the rapid growth of bureaus of public administration; the increase of scholarly research and publication in the South (particularly, the reviewer may add, through the admirable *Journal of Politics*, edited by Professor Greene); the outpouring of energies, though sometimes misdirected, on in-service training programs; and the innovative genius displayed in inter-university cooperative arrangements for public administration training, city planning training and research, library specialization, education in foreign affairs, and research on region-wide governmental problems.

The weakness of the study is that the authors are unable to pursue the implications of their premise that the primary problem of graduate training in the South is one of improving the quality, rather than of increasing the number, of existing graduate programs. Thirteen Southern universities have authority to award the Ph.D. degree; forty-two award the M.A. But 59 of the 65 Ph.D.'s awarded in 1947-53 were granted by only five universities—Johns Hopkins and Texas (both barely in "the South" and together accounting for half of the Ph.D.'s), and Duke, North Carolina, and Virginia. Of the 561 M.A.'s, over half were awarded by only ten schools.

The authors do not point out or comment on this concentration, though the data are presented in tables. And, understandably if regrettably, the Advisory Commission's terms of reference precluded discriminating judgments among institutions. But if qualitative improvement is the objective, a generalized formula for all institutions (higher salaries, lighter teaching loads, stronger libraries, academic freedom, better-financed fellowships) evades the basic issue. This is whether building of a few strong, well-balanced political science

departments in scholarship-valuing universities that provide supporting strength in the other social sciences might not be a direct and sound regional solution. This issue is not faced. Instead, the authors embrace region-wide committees and inter-university cooperation (with joint use of faculty, exchange of students, and like devices) on the ground that "very few if any universities will be outstanding during any one period in all of the specialized areas of political science." Concentration of resources and cooperative use of scattered resources may be alternatives or may be complementary. Both need to be subjected to critical analysis.—JAMES W. FESLER, *Yale University*.

Henry George. BY CHARLES ALBRO BARKER. (New York: Oxford University Press. 1955. Pp. xvii, 682. \$9.50.)

The most striking feature about Professor Barker's *Henry George* is that its author is the first American professional scholar, outside the inner circle of Georgists, to produce a full-length book on this provocative and original contributor to economic and political thought.

Henry George's spirited *Progress and Poverty* may have made at least as much sense as Karl Marx's three-volume obfuscation of a basically simple conception. But George, unlike Marx, did not attach his ideas to the demands of a self-conceived economic class; and for other reasons which are more obscure, the Georgist single tax movement has not swept the world. Nothing fails like lack of success, and so scholarly writing on Henry George has been notable for its scarcity.

Professor Barker, historian at Johns Hopkins University, makes clear that the moral and political influence of Henry George is by no means negligible; and this book comes as a welcome oasis in an academic desert.

Professor Barker's thoroughly objective analysis is more the history of a man than of a set of ideas, though the latter does not suffer in his Chapter X on *Progress and Poverty*, in his concluding chapter on "The Triple Legacy of Georgism," or in several other sections of the biography.

The volume is particularly notable for its constant evidence of ten years of painstaking research which seems to have omitted nothing from the life of Henry George. Professor Barker's proliferation of personal detail will serve well to fill an academic void on Henry George,

and will be welcomed by devoted Georgists. The author's remarkable patience in tracing George's influence on many lines of American thought will be useful to students of contemporary political and economic movements.

It is no criticism of such a distinguished scholarship to say that Professor Barker's microscopic analysis may frighten away some readers.—JAMES L. BUSEY, *University of Colorado*.

Progress and Poverty. BY HENRY GEORGE. (New York: Robert Schalkenbach Foundation, 75th Anniversary Edition. 1954 and 1955. Pp. xxiv, 577. De luxe, \$5.00; regular cloth, \$1.50.)

An American classic, modernized in both typography and format. The new editions subdue George's quaint chapter headings, use a clearer type face than any previous printings, and add a preface on the quiet but surprising progress of Georgism to date. Perhaps the most interesting addition to the new *Progress and Poverty* is a glossary, which elucidates on the many fascinating, sometimes obscure, characters and references which Henry George included in his book.

The Language of Social Research: A Reader in the Methodology of Social Research. EDITED BY PAUL F. LAZARSFELD AND MORRIS ROSENBERG. (Glencoe, Illinois: The Free Press. 1955. Pp. xiii, 590, \$6.75.)

A collection of some 64 readings in methodology, skilfully selected to illustrate a wide range of techniques and problems. Most of the selections are reports of actual empirical studies, and not mere abstract discussions of methodology. Brief but penetrating introductory statements to each of the main selections supply the connective tissue, and the editors also provide useful annotated bibliographies. About a dozen of the readings deal specifically with political phenomena, and almost all will be of interest to political scientists who wish to acquire or improve their techniques of empirical investigation.

Politik und Ethik, Möglichkeiten und Grenzen ihrer Synthese. BY LUDWIG FREUND. (Berlin: Alfred Metzner Verlag. 1955. Pp. xii, 315.)

While considering as unrealistic both the Utopian ideas that politics can be controlled by ethics and the beliefs that politics and ethics do not mix, the author searches for an "empiric answer" to the unavoidable contrast between "the postulates of the absolute moral-

ity" on one hand and "the realities of political practicability" on the other.

Having drawn into his discussion practices of various nations as well as a great deal of political thought of others, the author sees the answer to his dilemma in a sort of compromise between "the moral impulses and material interest." Such a modest compromise he thinks attainable in a liberally educated society, mainly as a result of "moral brakes" operative in such a society.

The State versus Socrates: A Case Study in Civic Freedom. EDITED WITH AN INTRODUCTION BY JOHN D. MONTGOMERY. (Boston: The Beacon Press. 1954. Pp. 247. \$3.50.)

An interesting collection of writings about Socrates compiled in the belief that the same forces which brought Socrates to trial in 399 B.C. are at work again in twentieth-century America. The symposium includes writings ranging from Plato to Toynbee and includes those of Werner Jaeger, Paul Elmer More, A. E. Taylor, George Grote, Karl R. Popper, and Eduard Zeller.

Problems of Analyzing and Predicting Soviet Behavior. BY JOHN S. RESHETAR, JR. (Garden City, N. Y.: Doubleday & Co. Inc. 1955. Pp. x, 68, 95¢.)

The author lists various approaches used by social scientists in studying Soviet behavior and evaluates their relative merits and limitations.

The Process and Effects of Mass Communication. EDITED BY WILBUR SCHRAMM. (Urbana: University of Illinois Press. 1954. Pp. 586. \$6.00.)

Thirty-eight articles dealing with phases of the process of mass communication with special attention devoted to international communication.

The Year Book of Education, 1954: Education and Technological Development. EDITED BY ROBERT KING HALL, N. HANS, and J. A. LAUWERYS. (New York: World Book Company. 1955. Pp. xiv, 621. \$8.00.)

A joint project of Columbia University Teachers College and the University of London Institute of Education, this extremely weighty volume brings together over 60 essays and research papers under the general theme, "Education and Technological Development." Every geographic area, every academic dis-

cipline, and every point of view is represented.

Freedom Limited: An Essay on Democracy. BY MARTEN TEN HOOR. (Tuscaloosa, Ala.: University of Alabama Press. 1954. Pp. ix, 220. \$3.50.)

A somewhat subjective treatment of the problems of present-day democracy. The four parts deal, respectively, with the ends of democratic government, its machinery, the role of the citizen, and the future outlook for democracy.

Sketch for a Historical Picture of the Progress of the Human Mind. BY ANTOINE-NICOLAS DE CONDORCET. TRANSLATED BY JUNE BARRACLOUGH. INTRODUCTION BY STUART HAMPSHIRE. (New York: The Noonday Press. 1955. Pp. xvi, 202. \$3.50.)

The first English translation of Condorcet's last and most important work since a very poor one which appeared anonymously in 1795.

The Rise of French Liberal Thought: A Study of Political Ideas from Bayle to Condorcet. BY KINGSLEY MARTIN. (New York: New York University Press. 1954. Pp. xvii, 311. \$3.75.)

The reprinting of a well-known work first published in 1929 with revisions undertaken by J. P. Mayer in collaboration with the author.

American Political Thought. BY ALAN PENDLETON GRIMES. (New York: Henry Holt and Company. 1955. Pp. xi, 500. \$4.75.)

A rather brief and somewhat incomplete and uneven treatment of the history of American political thought. The late 19th and the 20th centuries in particular are briefly dealt with. A relatively large amount of space is given to such thinkers as Henry George, Edward Bellamy, Laurence Gronlund, Thorstein Veblen, Daniel De Leon, and Lawrence Dennis.

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FRANCIS G. WILSON

University of Illinois

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SELECTED ARTICLES AND DOCUMENTS ON

METHODOLOGY AND RESEARCH IN THE SOCIAL SCIENCES

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NEWS AND NOTES

PROFESSIONAL CONFERENCES

The 1954-55 annual meeting of the New England Political Science Association was held on May 7, 1955 at Smith College, Northampton, Massachusetts. The morning program included addresses by Victor Jones, Wesleyan University, and Roy Pierce, Smith College, on "The Introductory Course: New Approaches to an Old Problem." At the afternoon session, Louis Hartz, Harvard University, spoke on "The Need for an American Enlightenment." Cecilia Kenyon, Smith College, and Earl Latham, Amherst College, served as panelists. At the business meeting, the following officers were elected for the coming year. Robert K. Carr, Dartmouth College, president; Athern Daggett, Bowdoin College, vice-president; and George Goodwin, Jr., University of Massachusetts, secretary-treasurer. Elected to the executive committee were Marjorie R. Dille, Connecticut College; Guy Dodge, Brown University; and Robert Lane, Yale University.

The Thirteenth Annual Meeting of the Midwest Conference of Political Scientists was held May 5-7, 1955 at Purdue University with 240 persons in attendance. Featured speakers were Herman Finer, whose topic was "Teaching Political Science by Television," K. C. Wu, who spoke on "Communism in Asia," and E. M. Kirkpatrick, executive director of the American Political Science Association, who reported on the work and aims of the association. Round-table discussions were conducted on the following topics: "Military-Strategic Aspects of Foreign Policy," "The Politics of Agriculture," "Urban Problems," "The Political Science Program in the Small College," "Intergovernmental Relations," and "Producing Political Scientists to Teach in the Liberal Arts College." A general session was also held on the topic "The Political Scientist as Practitioner."

The officers elected by the conference for 1955-1956 were: David Fellman, University of Wisconsin, president; Roy Sherman, University of Akron, vice-president; Charles Hyneman, Northwestern University, and Marbury B. Ogle, Purdue University, members of the Executive Council for three-year terms.

The 1956 meeting of the conference will be held at Marquette University on May 3-5.

Program suggestions may be sent to the program chairman, Alfred Hotz, Western Reserve University. General inquiries should be addressed to the secretary-treasurer, LeRoy Bennett, Drake University.

The Northern California Political Science Association held its annual meeting on April 23, 1955 at the City College of San Francisco. Papers were delivered and discussions held on "The Crisis in the Far East," "Campaign Finances in California," "Politics and Ethics in the Time of Crisis," and "Problems of Metropolitan Growth." Professor Harold D. Lasswell, president-elect of the American Political Science Association, addressed the luncheon session on "Recent Advances in the Study of Decisions." Officers elected for 1955-1956 were: president, Dean R. Cresap, San Jose State College; vice-president, Arnaud B. Leavelle, Stanford University; secretary-treasurer, Richard J. Roberts, University of Santa Clara. The following were named members of the council: Charles Lohmyer, San Francisco Naval Shipyard; John McLaughlin, California State Personnel Board; John M. Selig, City College of San Francisco; Norman Jacobson, University of California (Berkeley); Yale Maxon, Oakland Junior College; Hyman Palais, Humboldt State College; and Vernon Puryear, University of California (Davis).

At the summer meeting of the Southern California Political Science Association, held July 15, 1955 on the Los Angeles State College campus, Henry Reining, Jr., Dean of the School of Public Administration, University of Southern California, addressed the group on "Exporting American Ideas and Techniques in Government." Inducted into office for the 1955-56 year were: Robert Moreland, University of Redlands, president; Tully E. Warren, Los Angeles State College, secretary-treasurer; and Frank M. Stewart, University of California (Los Angeles), Totten W. Anderson, University of Southern California, John A. Vieg, Pomona College, Don B. Leifer, San Diego State College, and Arthur C. Turner, University of California at Riverside, directors.

The District of Columbia Political Science

Association and the Washington Chapter of the Industrial Relations Research Association held a joint Conference on Personnel Security Programs in United States Industry on June 3, 1955 at the Willard Hotel. The purpose of the conference, which was attended by more than 200 people, was to explore the impact and the meaning of the loyalty and security programs which cover civilian workers.

The Florida Citizenship Clearing House, the only citizenship clearing house in the South, completed its first year's program with a Conference on State Government, April 25-27, 1955 at the Florida State University, Tallahassee. Seventy-five students from Florida universities and colleges heard key officials and legislators during the three days of panel discussions and observation of the legislature and of action in the executive branch. Principal speakers included House Speaker Ted Davis, former Speaker Farris Bryant, and former Governor M. F. Caldwell. The Florida Citizenship Clearing House is financed by grants from the Falk Foundation and local supporters.

The Fifth Annual Meeting of the Conference of Iowa Political Scientists was held April 16, 1955 on the Iowa State College campus at Ames. Panel discussions were held on the 1954 elections and on the recent session of the General Assembly of Iowa. Newly elected officers are: president, Richard C. Spencer, Coe College; secretary-treasurer, George B. Telford, Drake University.

The Tenth Annual Michigan Forum on State and Local Government was held at Michigan State University, June 23-July 28, 1955. Over 30 state and local government officials, including Governor G. Mennen Williams and Lieutenant Governor Philip A. Hart, participated in the panels and workshops. The forum was held to enable practitioners in government to meet with teachers and students for discussion of Michigan governmental operations. This project was a continuation of the program originally conceived and promoted by D. Hale Brake, chairman of the Michigan Institute of Local Government. Sponsoring organizations of this year's forum were the Michigan Institute of Local Government and the Michigan State University department of political science, in cooperation with the State Department of Public Instruction, the Michigan Municipal League, and the

Michigan Citizenship Clearing House. Topics of panel sessions and workshops included: "Executive Leadership," "Legislative Process," "Judicial Process," "Local Government and Inter-Governmental Relations," "State and Local Finances," "Political Party-Interest Group Process," and "Progress in Michigan." Dr. Nathan Hakman, of the Michigan State University political science department, was chairman and coordinator of the 1955 program.

The annual meeting of the Pennsylvania Political Science and Public Administration Association was held in Harrisburg, April 22-23, 1955. Panel discussions on "Managing the Commonwealth's Affairs" and on "Inter-governmental Relations Re-examined" comprised the major part of the program. Joseph E. McLean, Commissioner of the Department of Conservation and Economic Development, New Jersey, gave an address on "State Administration—New Jersey Style."

At the business meeting President M. Nelson McGeary was directed to discuss with Governor Leader possibilities for implementation of an intern program in the Commonwealth's administration. Newly elected officers are: secretary-treasurer, Harry P. Griffiths, Department of Forests and Water; and executive committeemen, Harry K. Butcher and William C. Willis.

The Eastern Pennsylvania affiliate of the Citizenship Clearing House conducted a Workshop in Practical Politics at Haverford College, June 12-14, 1955. Twelve college and university teachers of political science studied the Pennsylvania Election Code, discussed precinct and campaign organization, listened to informal, off-the-record talks by both Republican and Democratic leaders from Harrisburg, Philadelphia, and the suburban counties, and by political writers from the larger newspapers, and exchanged ideas in relation to the workshop materials presented to them. The workshop was organized by Dr. G. Edward Janosik of the University of Pennsylvania.

The Southern Regional Conference of the Civil Service Assembly and the Bureau of Public Administration, University of Tennessee, sponsored a four-day Training Institute for Public Personnel Officers, June 14-17, 1955 on the campus of the University of

Tennessee in Knoxville. The institute was designed to provide an opportunity for staff members of public personnel agencies in the South to learn more about their specialties and the relation of these specialties to the field of personnel administration generally. Junior technicians received training in wage and salary administration and the techniques of internal recruitment and selection; a series of sessions provided a survey of fundamental principles and practices, conducted on a lecture-discussion basis. Senior technicians and administrators considered the problems involved in relationships between the personnel agency and department heads, supervisors, civil service boards, legislatures, and community groups. The last two days of the institute were devoted to a series of workshops on specific techniques: "Assessing Attitudes and Personality Patterns in Interviews," "The 'Factor Comparison' Approach to Job Evaluation," "Determining Minimum Qualification Requirements," and "Installing a Position Classification Plan."

Two hundred public officials and employees of federal, state, and local government participated in a Conference on Perspectives in the Public Service, conducted by the University of California at Berkeley on May 20 and 21, 1955. The conference, held in honor of Samuel C. May, professor of political science and director of the Bureau of Public Administration, who is now retiring after 33 years of service to the university, was organized into the following workshops: (1) The Changing Status of the Public Service, (2) Public Administration and Political Responsibility, (3) Education and Training for the Public Service, (4) Public Opinion and the Public Service, (5) Impact of Technology on Public Administration, and (6) The Public Servant's Role in Policy Formulation. In addition to the workshop reports, addresses were delivered to the plenary sessions of the conference, including one by Charles McKinley, of Reed College, President of the American Political Science Association, on the subject, "The Political Scientist and the Public Service"; one by Professor Leonard D. White of the University of Chicago, formerly President of the Association and President of the American Society for Public Administration, on the subject, "Foundations of the American Administrative System"; and another by Professor May on "Some Unsolved Problems Facing the Public Service."

The political science department of the University of California at Los Angeles, in cooperation with the California Chapter of the American Institute of Planners, sponsored the Second Annual Meeting of the Southern California Planning Institute, June 17-18, 1955. The subject of the meeting was "The Nature and Control of Urban Dispersal." Professor Ernest A. Engelbert, of UCLA, served as director of the meeting.

The Thirteenth Annual Institute on World Affairs was held at San Diego State College, August 1-19, 1955, under the direction of Professor Minos D. Generales and Dr. Ned V. Joy. The theme was "U.S. Foreign Policy—1955." The institute, which was part of the class offerings of the second summer session of the college, was open to all interested persons. It included a program of lectures by outstanding authorities, movies, round tables, and discussions.

A Second Institute on Records Management was offered during the summer session by the American University through its department of government and public administration, in cooperation with the National Archives and Records Service. Emphasis was placed on the effective and economical creation, maintenance, and retention of records in large organizations. Forty-two persons, representing many states and five foreign countries, attended the institute, which was under the direction of Professor Ernst Posner and Adjunct Professor Helen L. Chatfield.

During the summer session the American University through its department of government and public administration offered an "Institute in the Preservation and Administration of Archives Advanced," in cooperation with the National Archives and Records Service and the Maryland Hall of Records. Outstanding guest lecturers presented selected problems of archival administration. Professor Ernst Posner of the American University served as director.

In the course of its analysis of problems confronting political scientists in undergraduate and graduate teaching and training, the Northwestern University department of political science has to date held four major conferences. Three of these were previously reported in this REVIEW: Conference on Search for Relevant Concepts of Political Science;

Conference on Interrelationships of Political Science and Geography; and Conference on Political Theory and the Study of Politics. During June 14-17, 1955, approximately 35 students of political science, anthropology, psychology, and sociology met on the Northwestern University campus to examine recent experience in the development of "Analytic Systems." Four sessions were devoted to consideration of the following papers, which were distributed in advance of the conference: Talcott Parsons, professor of sociology at Harvard University, "Some Highlights of the General Theory of Action"; Charles E. Osgood, professor of psychology at the University of Illinois, "Behavior Theory and the Social Sciences"; Theodore Newcomb, professor of psychology at the University of Michigan, "Communicative Behavior"; and Harold Guetzkow, professor of psychology at Carnegie Institute at Technology, "Building Models about Small Groups." Following discussion of the four papers, two sessions were devoted to the applicability and significance of experience with analytic systems to the problems which political scientists wish to study.

The Sixth Annual Conference on Problems of American Foreign Policy was held at Indiana University the latter part of June. The subject was "Germany in the Free World." As in the past, the conference endeavored to bring together policymakers and a cross-section of citizen leadership.

The Seventh Annual Workshop on Problems in Indiana Government was held at Indiana University, June 20-July 8, 1955. Indiana school teachers, members of the League of Women Voters, and government students attended the intensive three weeks' course, which was made up of readings, lectures, and panel discussions. Assistant professor William J. Siffin of the Indiana University department of government conducted the workshop.

The Indiana University department of government is sponsoring a week of citizen information and civic preparation meetings October 24-28, 1955, including a three-day Governor's Conference, which will take the form of a report to the people by the administrators, and a regional meeting of the Citizenship Clearing House. Representatives of various Indiana civic groups as well as college delegations will be invited, and films of the

conference will be distributed to interested organizations.

A conference on "The Role of Public Opinion Polls in the Study of Political Parties" was held in Ann Arbor, Michigan, April 28-30, 1955 under the sponsorship of the department of political science, University of Michigan. The conference was called by Professor James K. Pollock, who later chaired a panel on the topic of the conference at the meeting of the International Political Science Association in Stockholm. The conference brought together a group of political scientists, public opinion survey experts, and practicing politicians, in order to secure an exchange of views on the more important aspects of public opinion research as related to political parties. Among the major topics discussed at the conference were: "Voter Perceptions of the Political Party"; "How Can Public Opinion Polls Supplement Traditional Research in Political Parties?"; "Public Opinion Polling and Comparative Research in Political Parties"; and "Public Opinion Polls and American Politics." A full report on the work of the conference will be published at a later date.

A Conference on American Student Life and Higher Education was held at the University of Buffalo for visiting Fulbright Scholars, June 7-11, 1955. The Conference, which brought together 71 scholars from the United States and 15 foreign countries, was sponsored by the University of Buffalo in cooperation with the Conference Board of Associated Research Councils with funds provided by the Edward W. Hazen Foundation. Dr. Richard H. Heindel, professor of history and dean of the College of Arts and Sciences, and Dr. Kurt P. Tauber, assistant professor of government, both of the University of Buffalo, were chairman and secretary, respectively, of the Conference.

The University of Minnesota held its second summer Institute on Minnesota Government and Politics during the last two weeks of July. Ten panels of some 60 legislators, administrators, civic leaders, and educators discussed such vital state problems and issues as constitutional revision, the presidential preference primary, party designation for legislators, censorship, the governor's office, veteran preference, sales tax, dedicated funds, school district reorganization, and regulation of public utili-

ties. At a special dinner meeting, the governor, the chief justice, the speaker of the house of representatives, and the lieutenant governor discussed their respective roles in Minnesota's government. George A. Warp served as director of the institute.

An Institute on American Policy and Soviet Imperialism was held at the University of Washington, June 20-24, 1955 under the auspices of the Far Eastern and Russian Institute and the Institute of International Affairs of the University. The institute featured papers and addresses by members of the University of Washington faculty and a number

of outside visitors. Professor William B. Ballis served as director of the institute.

A Workshop on the Middle East was held at Marshall College, June 6-24, 1955 under the sponsorship of the department of political science. Dr. Carl Leiden, associate professor of political science, directed the workshop and Professor Conley H. Dillon, head of the department, was a principal lecturer. Visiting lecturers were Mr. Hassan Saab, First Secretary of the Embassy of Lebanon; Mr. Shimoui, Counselor of the Embassy of Israel; and Mr. S. G. Khaliq, Educational and Cultural Attaché of the Pakistan Embassy.

OTHER ACTIVITIES

Duke University, with the assistance of a grant of \$350,000 by the Carnegie Corporation, has established a Center for British Commonwealth Studies which will be devoted primarily to the encouragement of research by Duke University professors and graduate students interested in the Commonwealth and the encouragement of research at Duke University by professors and graduate students from Britain, Canada, Australia, New Zealand, and South Africa on relevant economic, political, and historical problems. During its first year, the Center will offer assistance to those engaged in the following types of activity: (1) A number of outstanding social scientists and officials from the Commonwealth will deliver a series of lectures during the academic year 1955-56. It is anticipated that these lectures, dealing with various aspects of the developments in the Commonwealth, will be published in a series of publications dealing with Commonwealth problems. (2) A selected group of professors from the Commonwealth will visit Duke University for varying periods of time during the coming academic years. Professor K. C. Wheare, of Oxford University, will serve as visiting professor of political science during the second semester of 1955-56. Other individuals will be invited in the future to serve as visiting professors under conditions which will make it possible for them to combine their lecturing with research related to the Commonwealth or to their own special interests. (3) Advanced graduate students from Duke University are being assisted to complete research work on Ph.D. dissertations in the Commonwealth nations. A number of awards to students in economics, political science, and history have been made. (4) Con-

sideration is being given to a select group of advanced graduate students from the Commonwealth who expect to complete work for the Ph.D. degree in relevant fields in the United States. (5) Financial assistance will be provided for members of the Duke University faculty whose research necessitates field work in the Commonwealth or special work on Commonwealth materials. The Committee on Commonwealth Studies is composed of Professors Taylor Cole, chairman, Calvin B. Hoover, Joseph J. Spengler, Paul H. Clyde, and Robert R. Wilson.

Harvard University has announced the establishment of a Defense Studies Program, designed to provide research and graduate study in the field of national defense policy and administration. The program has been established within the Harvard Graduate School of Public Administration and will be carried out with the assistance of a \$214,000 grant from the Ford Foundation. An elective Defense Policy Seminar will be offered for graduate credit during 1955-56 and will be composed of students from Harvard's graduate schools of Law, Public Administration, Business Administration, and Arts and Sciences. This new program will be under the leadership of W. Barton Leach, professor of law at Harvard, who serves as director. Professor Leach was chief of Operations Analysis Branch, U. S. Army Air Forces, during World War II. He has also served as counsel and consultant to the Air Force in more recent years. Associate director of the Defense Studies Program is Dr. Edward L. Katzenbach, Jr., who has been assistant professor of history at Columbia College and research associate in the Institute

for War and Peace Studies. Dr. Katzenbach will play a major role in the administration of the program. Dr. Harry H. Ransom, APSA Congressional Intern in 1953-54 and recently assistant professor of political science at Michigan State University, serves as Research Associate in the new program. In addition to the offering of a graduate seminar, the Harvard Defense Studies Program proposes to build national defense policy into a field of organized study. The greatly expanded role of the American military establishment in the making of national policy, and the impact of defense policy upon government, economics, and politics are believed to be such as to warrant increased academic attention to this field of study. Outstanding guest lecturers, both military and civilian, will assist in teaching the seminar. Staff members will also concentrate upon designing and conducting research on national defense policy. Teaching materials will be developed which are planned to be useful to other colleges and universities which may offer courses in defense policy. Plans are also under way for the publication of an American Journal of National Defense, to be devoted to scholarly discussions of defense policy and administration. The Defense Studies Program will be guided by an advisory committee composed of Harvard University faculty members, headed by Dean Edward S. Mason of the Graduate School of Public Administration.

In May, Indiana University and Thammasat University of Thailand entered into a three-year, FOA-sponsored contract providing for a program of assistance in the expansion and improvement of public administration training facilities in Thailand. Under the contract, the department of government of Indiana University will send a staff of nine members to Thailand and will bring approximately 20 Thai students to the United States each year for graduate training in administration. An Institute of Public Administration is to be established for the conduct of an expanded curriculum in public administration, research, library and reference services, consultative services, and in-service training programs for government officials. The Indiana University staff will assist in the development of these activities. The department of government will send an initial staff of five members to Thailand in September. Appointments to this staff include: Joseph B. Kingsburg, visiting professor of public administration; Joseph L.

Sutton, visiting director of research; and Walter B. Johnson, visiting professor of public welfare administration. Edgar L. Shor, department of government, has been named training coordinator for the program.

Michigan State University has signed contracts with the Government of Vietnam and the Foreign Operations Administration for technical assistance to the government of Vietnam in the fields of political science and public administration, police administration, public finance, and related fields. The initial period of operation will be two years, and the amount of the contract \$1,800,000 for substantive operations. The purpose of the program is to assist the Vietnamese government in establishing and operating a National Institute of Administration designed to improve the training and competence of government officials and employees, offer university-level instruction related to degree and certificate programs, develop a program of research in government and related areas, and improve the organization and technical functioning of the presidency, police, field administration, and local units of government. The Michigan State team will consist of 30 persons in the designated fields. Members of the political science department presently in Vietnam are: Edward W. Weidner, head of the department of political science at Michigan State University, chief adviser to the National Institute of Public Administration; Guy H. Fox, deputy adviser in charge of the degree and certificate program; Ralph H. Smuckler, deputy adviser in charge of research; John T. Dorsey, specialist in administrative communications and assistant professor in public administration degree courses. Charles C. Killingsworth, head of the department of economics at Michigan State University, has been appointed University Coordinator for the Vietnam Project, which is under the general direction of the Dean's committee headed by Milton E. Muelder, Dean of the College of Science and Arts. Wesley R. Fishel, associate professor of political science, is directing the Orientation and International Exchange programs of the Vietnam Project.

The political science department of the State University of Iowa has just participated in a semester's exploratory project of classroom teaching by means of closed circuit television and "talk-back" audio circuits. The experiment involved the decentralization of an

87-member class in comparative foreign governments into three smaller discussion groups, one of which was televised to the others, while all three groups were in constant open sound contact. The class was taught by Professors Hugh E. Kelso and Russell G. Whitesel.

A Summer Program on the Far East, first in an annual series of summer programs on world problem areas, was offered during the first term at the Ohio State University under the auspices of an interdepartmental committee on international studies. The program was directed by Professor Kazuo Kawai of the department of political science, and had the support of the Japan Society and the Asia Foundation.

The department of political science at the Pennsylvania State University is inaugurating a graduate program in public administration which will lead to a masters degree in public administration after a full year of work, beginning in September, 1955. It is planned to make scholarships available for persons chosen for this new curriculum.

Beginning with the 1955-56 academic year, a new graduate curriculum leading to the degree of Master of Science in City and Regional Planning will be offered by the University of Southern California. The new degree, which will require a minimum of one year of graduate study, will be awarded jointly by the School of Architecture and the School of Public Administration. In addition to these two schools, other University resources being used for the new curriculum are the Schools of Social Work and of Commerce, and the departments of economics, sociology, political science, and geography in the College of Letters, Arts, and Sciences.

A department of political science will be organized in September at the University of Houston (Texas) to replace the present government section of the social science division and the department of public administration. The new department of political science will consist of Professors David W. Knepper, chairman, and Thornton Sinclair, Associate Professor Pauline Yelderman, and Assistant Professors Welbourne Benton, Edward T. K. Chen, James Jensen, and Harold Jacobson, with other staff members to be added later.

James T. Watkins of Stanford University, Royden Dangerfield of the University of Illinois, James Gathings of Bucknell University, and Herman Pritchett of the University of Chicago were participants in the Sixth Annual Du Pont Educators Symposium in Wilmington, Delaware, June 20-30, 1955.

Vaclav L. Benes, Associate Professor of Government at Indiana University, spent the summer at the University of Wyoming as Visiting Professor of Political Science participating in the Institute of Russian Studies.

Professor Clarence A. Berdahl of the University of Illinois has been granted sabbatical leave for the first semester 1955-56 to complete his comprehensive study of the American Party System. Part of his time will be spent in Washington, D.C.

During the past summer, Wilfred E. Binkley of Ohio Northern University served as a member of panels on political parties at the meeting of the Canadian Historical Association and at the Stockholm Congress of the International Political Science Association.

Conley H. Dillon, professor and head of the department of political science at Marshall College, was a lecturer on public relations in the Labor Institute held at West Virginia University, August 8-13, 1955 under the joint sponsorship of the College of Commerce of the university and the American Federation of Labor.

John Perry Horlacher, chairman of the political science department at the University of Pennsylvania, has been named chairman of an interdisciplinary and interprofessional committee established under a research grant made to Pennsylvania Mental Health, Inc., for the purpose of devising a project to validate educational techniques currently being utilized by mental health associations throughout the United States.

Louis G. Kahle, associate professor of political science at the University of Missouri, will serve as chairman of the Regional Selection Committee (Region X) for the National Woodrow Wilson Fellowship Program during the 1955-56 academic year.

Professor Frank L. Klingberg of Southern University Carbondale, Illinois, was a member of the 1955 Summer School staff of the University of Illinois.

George A. Lanyi, of Oberlin College, conducted a six-weeks' seminar on "Germany Between East and West," under the auspices of the American College Council for Summer Studies Abroad. The seminar group spent four weeks in Bonn, and travelled to the Saar, Duesseldorf, and Berlin.

Walter H. C. Laves, Chairman of the Department of Government at Indiana University, has been reappointed for a four-year term on the Governing Board of the UNESCO Social Science Institute in Cologne, Germany.

Leslie Lipson, of the University of California (Berkeley), lectured at the Air War College, Maxwell Air Force Base, Alabama, in September.

Edward H. Litchfield, dean of the Graduate School of Business and Public Administration, Cornell University, has been named the 12th chancellor of the University of Pittsburgh. He will direct the University's new ten-year development program to strengthen work in the humanities, social and physical sciences, and continue the growth of its professional schools. The new program may cost as much as \$100,000,000. Dean Litchfield served as the executive director of the American Political Science Association from 1950 to 1953 and is now the treasurer of the Association. Before his appointment as dean at Cornell, he was director of civil affairs for the U. S. Military Government in Germany, under General Lucius D. Clay. He is president of the Governmental Affairs Institute, an active director of the AVCO Manufacturing Corporation, and a member of the executive committee of the International Political Science Association. He will assume his new duties on July 1, 1956.

Norman D. Palmer, professor of political science at the University of Pennsylvania, was awarded the honorary degree of Doctor of Humane Letters, *honoris causa*, at the 134th Commencement of Colby College, June 13, 1955.

In May, C. Perry Patterson, professor of government at the University of Texas, conducted a special ceremony at Baylor University in connection with the organization of a new chapter of the national political science honorary fraternity, Pi Sigma Alpha. Professor Patterson was the original founder of the

fraternity, which was inaugurated by the establishment of Alpha Chapter at the University of Texas in 1920. He served as national president from 1920 to 1932, and in the latter year he was elected honorary national president for life. The chartering of the new Baylor Chapter, Gamma Eta, brings the list of active chapters to 74. Also scheduled for chartering this spring are chapters at Duke University and the University of Rhode Island.

Professor Robert E. Scott of the University of Illinois has been granted a year's sabbatical leave to develop a comparison of Spanish and Latin American political institutions. Most of his time will be spent in Spain, but he will also visit Mexico.

Professor Clyde F. Snider of the University of Illinois has been granted sabbatical leave for the second semester of 1955-56 to continue work in the field of rural local government. Particular attention will be given to local government in New England.

Robert Strausz-Hupé, of the University of Pennsylvania, addressed the Sixth Indiana University Conference on Problems of American Foreign Policy, held June 24, 1955, on the subject, "Democracy in Germany."

At the State University of Iowa, Vernon Van Dyke served as chairman of the Committee to Survey the Role of the University in World Affairs. The extensive report of the committee appears as Document No. 80 in the series issued by the Carnegie Endowment for International Peace.

Dwight Waldo, of the University of California (Berkeley), delivered the annual Southern Regional Training Program lectures at the University of Alabama in November, 1954. Professor Waldo also participated in the Conference on Democratic Theory, an activity of the Fund for American Studies (Volker Fund), at Buckhill Falls, Pennsylvania, June 22-30, 1955.

Leonard D. White of the University of Chicago has been awarded the Bancroft Prize in American History of \$2000 for the third volume in his administrative history, *The Jacksonians*.

Francis O. Wilcox has been appointed by President Eisenhower as Assistant Secretary of State for International Organization Affairs. His main area of responsibility in the department will be problems relating to the United Nations and other international organizations in which the United States participates. He will succeed Assistant Secretary David McK. Key, who retired from his post on July 31. Dr. Wilcox has served since 1947 as chief of staff of the Senate Committee on Foreign Relations, under the chairmanships of Senators Vandenberg, Connally, Wiley, and George. He assumed his new duties on September 6.

PROGRAM OF THE BROOKINGS INSTITUTION

The Brookings Institution has recently announced various actions in connection with the reorganization of its work and program. On recommendation by President Robert D. Calkins, the Board of Trustees has clarified and reaffirmed the basic purposes and policy of the institution in the following terms:

"The Brookings Institution shall devote itself to the conduct and promotion of research, education, and publication primarily in the fields of economics and government. Its chief object shall be to advance knowledge and understanding of economic and political problems, both national and international and of the courses of action that may be pursued for dealing with them. Its purpose in advancing knowledge and understanding is to facilitate the making of informed decisions in the public interest on matters of general concern.

"To that end the Institution shall seek to advance the art and use of research and education as an aid in the development of sound policy, organization, and practices in economic and governmental affairs.

"The Institution shall carry out these purposes in a thoroughly objective, nonpartisan, and independent manner, according to the recognized standards of scholarship. Its activities shall be designed to serve the general welfare and not the special interests of any economic, political, or other group in society."

The research program of the institution will focus on related lines of investigation in economics, government, and international relations. Its studies will thus be concerned primarily with (A) Problems of the American Economy, (B) Problems Relating to the Functions and Processes of American Government, and (C) Problems of International Economic and Political Relations.

The institution has received substantial financial grants from several foundations during the last two years. In 1954 the Ford Foundation made a grant of \$1 million over a five-year period to assist in providing support for the institution's program in the areas of economic and governmental problems. Also in 1954, the Rockefeller Foundation made a grant of \$375,000 in support of the institution's research and educational activities. Recent work in the area of international studies has been financed largely by the A. W. Mellon Educational and Charitable Trust.

An internal reorganization of the staff of the institution became effective on July 1, 1955, with the creation of two new executive positions. Paul T. David, who has served on the Brookings staff in several capacities since 1950, has been appointed Director of Governmental Studies. Robert W. Hartley, who joined the Brookings staff as a member of the International Studies Group in 1946 and has more recently served as director of the institution's project for a study of the United Nations, has been appointed Director of International Studies. The Economic Studies of the institution will continue under the personal direction of the President of the institution.

The principal research currently in progress in the field of governmental studies is a study of the politics of national party conventions, financed by the John Randolph Haynes and Dora Haynes Foundation of Los Angeles. This is being carried on by a staff headed by Dr. David and including Ralph M. Goldman, Charles A. H. Thomson, Richard C. Bain, John A. Ballard, Alice E. Robinson, and Francis M. Shattuck, with Professor Malcolm Moos of the Johns Hopkins University as a contributing consultant. A study of trends in American national party leadership was authorized for initiation in July 1955, under the direction of Ralph M. Goldman.

The principal research currently in progress in the field of international studies includes a study of major problems of United States foreign policy, by William Reitzel and associates, similar in scope to the institution's previously published studies on that subject, and the study of the United Nations. The latter study was begun in 1951 under the direction of Dr. Leo Pasvolsky. Upon his untimely death in 1953 Robert W. Hartley took over direction of the project. The research is nearing completion and will be published in seven volumes. The first volume, *The United Nations and the*

Maintenance of International Peace and Security, by Professor Leland M. Goodrich and Anne P. Simons, was published in June. Other volumes will follow during the fall and winter.

The Brookings Lectures were reinstituted in 1954 with a recently published series on Economics and Public Policy. The 1955 series was on Research Frontiers in Politics and Government, and included lectures by Stephen K. Bailey, Princeton University; Herbert A. Simon, Carnegie Institute of Technology; Robert A. Dahl, Yale University; Richard C. Snyder, Princeton University; Alfred de Grazia, Stanford University; Malcolm Moos, Johns Hopkins University; Paul T. David, Brookings Institution; and David B. Truman, Columbia University. The series is currently in press for publication by the institution. It is contemplated that the 1956 series will be in the general area of international studies.

An Interuniversity Summer Research Seminar on Presidential Nominating Politics, sponsored jointly by the Social Science Research Council and the Institution, was held at Washington from June 20 to August 12, 1955, under the chairmanship of Paul T. David of the institution's staff. Other full-time participants included Franklin M. Bridge, University of Arkansas; Harry R. Davis, Beloit College; Warren E. Miller, Uni-

versity of California (Berkeley); Lester G. Seligman, University of Oregon; Allan P. Sindler, Yale University; Stanley Kelley, Jr., and John H. Romani, Research Fellows of the Brookings Institution. In addition several consultants participated for varying periods of time, including Dayton D. McKean, University of Colorado; Malcolm Moos, Johns Hopkins University; David Easton, University of Chicago; James M. Burns, Williams College; and Kenneth W. Hechler, American Political Science Association.

The institution has resumed the granting of fellowships for research and training in economics and political science, and has announced the appointment of three Research Fellows in Political Science for the academic year 1955-56: Dr. Stanley Kelley, Jr., who will continue his research on "The Role of the Public Relations Man in Politics"; Dr. John H. Romani, who will engage in research on "Participation by Members of Congress in Presidential Nominating and Election Campaigns"; and Thomas S. Francis, who will continue his Columbia University doctoral research on "The Organization and Operation of Privately Sponsored Commissions of Inquiry." The fellows will be in residence for periods of eleven months and will receive stipends of \$4,400.—PAUL T. DAVID.

APPOINTMENTS AND STAFF CHANGES

Charles R. Adrian, formerly of Wayne University, has joined the department of political science at Michigan State University.

David Apter, assistant professor of political science at Northwestern University will be on leave during the year 1955-56 for study in Africa of political institutional transfer in Uganda.

M. Margaret Ball, of Wellesley College, was visiting professor of political science at Stanford University during the summer quarter, 1955.

Robert Baum, of the Department of State, has been appointed lecturer in government science at the American University.

Curt F. Beck has been promoted to the rank of assistant professor in the department of government and international relations at the University of Connecticut.

George Belknap has returned to Michigan State University after serving as administrative assistant to Congressman Don Hayworth in Washington.

Robert P. Benedict resumed his teaching duties in September at Boston University after a sabbatical leave.

Oliver E. Benson has returned to his regular duties as professor of government at the University of Oklahoma following a year's leave of absence. During that time he was visiting professor of government at Northwestern University and participated in their curriculum re-evaluation program.

Heinz Bertelsmann has been promoted to associate professor in international relations at Bard College.

Guthrie S. Birkhead, assistant professor of

political science, Syracuse University, has been appointed director of research at the Public Administration Institute for Turkey and the Middle East. He will spend one year in this United Nations position.

Joseph E. Black has been promoted to associate professor of government at Miami University.

Thompson Black, Jr. has been promoted to associate professor of government at Los Angeles State College, and will also serve as head of the department.

John C. Bollens, of the University of California at Los Angeles, has been promoted to the rank of associate professor.

James E. Boyce, assistant professor of political science, Massachusetts Institute of Technology, has accepted a position as co-director of the South Asia research team of Associates for International Research, Inc., Cambridge, Massachusetts, in addition to his work at M.I.T.

C. Paul Bradley has been appointed assistant professor of government for the year 1955-56 at Oberlin College.

A. C. Breckenridge has been promoted to professor of political science and has resigned as chairman of the department of political science at the University of Nebraska to become Assistant for Academic Affairs to the Chancellor.

Herbert W. Briggs, of Cornell University, has been elected editor-in-chief of the *American Journal of International Law*.

Professor Denis W. Brogan of Cambridge University, England, has been appointed George A. Miller visiting Professor at the University of Illinois for the Spring semester 1955-56.

Everett S. Brown began his retirement furlough in June, 1955, from his position as professor of political science at the University of Michigan.

R. Jean Brownlee has been promoted to associate in political science at the University of Pennsylvania.

Eugene Burdick, of the University of California (Berkeley), has returned to the university after a year's leave of absence at the

Center for Advanced Study in the Behavioral Sciences, Palo Alto, California.

Ben G. Burnett has received his Ph.D. degree at the University of California (Los Angeles) and has been reappointed assistant professor of political science at Whittier College.

H. Paul Castleberry resumed his teaching duties at the State College of Washington in September after a two years' leave of absence while he served as Fulbright lecturer at the American University in Cairo, Egypt.

John W. Chapman has been promoted to assistant professor of government at Smith College.

John L. Chase, of the University of North Carolina, is visiting associate professor of government at Louisiana State University during 1955-56.

Carl Q. Christol, of the University of Southern California, was visiting professor of political science at the University of Nebraska during the 1955 summer session.

James B. Cristoph, of the University of Minnesota, has been appointed instructor in political science at the Ohio State University.

George A. Coddington, Jr., under a grant from the Social Science Research Council, spent the past summer in France studying the French Socialist party in the post-World War II period. While in Europe Dr. Coddington represented the University of Pennsylvania at the Third World Congress of Political Science held in Stockholm.

Morris H. Cohen, associate professor of government, Clark University, has been appointed a Fulbright lecturer in American governmental institutions at the Municipal University of Amsterdam, The Netherlands, for 1955-56.

James S. Coleman, University of California at Los Angeles, has been promoted to assistant professor.

Richard Howard Cox, who received the Ph.D. degree from the University of Chicago last year, has been appointed instructor in government at Harvard University for 1955-56.

Robert F. Curtis, formerly of the University of Michigan, has accepted an instructor-

ship in political science at Wilson College, Chambersburg, Pennsylvania.

George H. Deming, of the Office of Coordinator of Public Works, Council of Economic Advisers, has been appointed lecturer in public administration at the American University.

David Derge, instructor in political science at the University of Missouri, taught at Northwestern University during the summer session, 1955.

William C. Diez has been appointed professor of government at the University of Rochester. During the fall semester he is serving as acting chairman of the department of government.

Marshall E. Dimock has been appointed professor and head of the department of government at Washington Square College of Arts and Science, New York University, effective September 1.

James R. Donoghue has resumed his duties in political science at the University of Wisconsin on a full-time basis as director of the Bureau of Government, following more than a year's absence in a general administrative capacity in the Extension Division.

John T. Dorsey has been promoted to assistant professor of political science at Michigan State University.

G. Homer Durham, academic vice president and professor of political science, University of Utah, has been appointed Commissioner for the State of Utah on the Western Interstate Commission on Higher Education. He will serve as member of the Executive Committee. Governor Lee of Utah has designated Professor Durham as vice chairman of the Utah Conference on Education.

William E. Ebenstein was visiting professor in political science at Michigan State University during the summer of 1955.

William C. Ellet, formerly of the University of Michigan, has been appointed to an instructorship in political science at the State University of Iowa.

Ernest A. Engelbert, of the University of California at Los Angeles, has been promoted to associate professor. During the spring semester Professor Engelbert served as consultant to the Joint-House Legislative Process

Committee and to the Assembly Interim Committee on Governmental Organization, both committees of the California State Legislature.

John T. Everett, Jr., has joined the faculty of the Western College for Women at Oxford Ohio, as associate professor of political science and acting head of the department.

David G. Farrelly, associate professor of political science at the University of California (Los Angeles), is on sabbatical leave during the academic year 1955-56.

Milton Feder, formerly of the University of Michigan, has accepted an instructorship in political science at Beloit College.

John H. Ferguson has been granted a leave of absence from the Pennsylvania State University to serve as Director of Program Research in the Executive Office of Governor Leader.

Vernon L. Ferwerda, who has been teaching at Trinity College under a temporary appointment as assistant professor of government, has been named to the faculty on a permanent basis.

Marguerite J. Fisher resumed her regular duties as associate professor of political science at Syracuse University last summer after having spent last year in research and lecturing in the Philippines and other parts of the Far East.

Peter J. Fliess, associate professor of government at Louisiana State University, will be on sabbatical leave for the year 1955-56 and will be teaching at the University of Frankfurt, Germany, under a Fulbright fellowship.

Thomas A. Flinn has been appointed instructor in the department of government at Oberlin College.

Raymond W. Foery has been promoted to associate in political science at the University of Pennsylvania.

Charles R. Foster, lecturer in the department of government at Indiana University during the spring and summer terms, has been appointed to an instructorship at Indiana for 1955-56.

Keener C. Frazer is on leave from the University of North Carolina during 1955-56 to lecture at the Naval War College.

Richard W. Gable has been appointed to the staff of the Institute for Administrative Affairs, University of Tehran.

John Gange, director of the Woodrow Wilson Department of Foreign Affairs, University of Virginia, has been granted a faculty fellowship by the Fund for the Advancement of Education and will be on leave during 1955-56 to survey the teaching of American foreign relations in various kinds of institutions in the United States, including military academies and technical schools as well as liberal arts colleges.

Manuel R. Gracia-Mora has been advanced to the rank of associate professor of political science at the University of Detroit.

John D. Gerletti returned to the University of Southern California School of Public Administration in September from New York City where he had held the position of General Manager of the International Association of Fire Chiefs during the past eighteen months.

Charles E. Gilbert, recently a member of the faculty at Oberlin College, has accepted a position as assistant professor of political science at Swarthmore College, beginning in September.

Gilbert F. Gilchrist, of the University of the South, has received a renewal of his Fulbright grant and a supplementary award by the Rockefeller Foundation to continue his research at the London School of Economics.

W. Leon Godshall, professor and head of the department of international relations at Lehigh University, taught at the University of Hawaii during the 1955 summer session.

Merrill R. Goodall, recently executive director of Cornell University's India program and co-director of its research center at Lucknow University, will be visiting associate professor of public administration at Pomona College during 1955-56. Dr. Goodall has been a staff member of the U. S. Civil Service Commission and has served as a consultant in public administration to the Indian and Nepal governments.

Samuel K. Gove, research assistant professor with the Institute of Government and Public Affairs, University of Illinois, has been awarded the 1955-56 Staff Fellowship of the National Municipal League. The award will enable Mr. Gove to serve for one year as a member of the staff of the League.

Frank Grace has been promoted to an associate professorship in political science at the University of Michigan.

J. A. C. Grant, University of California at Los Angeles, is on sabbatical leave during 1955-56 and will spend the year in Europe. During the summer, Professor Grant received a grant-in-aid from the Fund for the Republic to complete a study on the impact of federalism on civil liberties.

Elmer D. Graper retired last summer having served in the department of political science at the University of Pittsburgh since 1923 and as department head since 1930.

Feliks Gross of Brooklyn College and New York University, is a visiting professor on the faculty of the Woodrow Wilson Department of Foreign Affairs, University of Virginia, during 1955-56.

Elliott W. Guild, professor of government, Los Angeles State College, will be in western and central Europe on sabbatical leave from September to February.

Andrew Gyorgy has been promoted to professor of government at Boston University.

Andrew Hacker, who recently received a Ph.D. from Princeton University, has been appointed instructor in the department of government at Cornell University for 1955-56. He spent the past year at the University of Michigan studying political attitudes and motivation under a Social Science Research Council research training fellowship.

Rufus G. Hall, Jr., associate professor at the University of Oklahoma, has been reappointed to the chairmanship of the department of government for a four-year term.

Louis Halle has received a renewal of his appointment for another year as research professor in the Woodrow Wilson Department of Foreign Affairs at the University of Virginia and will continue his studies on limited warfare as an aspect of American foreign policy, particularly as illustrated in the Far East. He has been and will continue to be on a Ford Foundation grant.

Ray F. Harvey has resigned as head of the department of government, Graduate School of Arts and Science, New York University, to devote full time to his duties as Director of the Office of the Budget at New York University.

Carroll J. Hawkins has returned to Michigan State University after a year's sabbatical leave spent in Western Europe in the conduct of research on communism and trade liberalism.

Lawrence Herson has resigned his position as instructor in political science at Northwestern University to become assistant professor of political science at the Ohio State University, beginning his service there in the fall of 1955.

John Herz, who has been on leave during the past year from the City College of New York to engage in research on the theory of international politics under a Rockefeller fellowship, resumed his regular position in September.

Stanley Harry Hoffman, who received a doctorate in law at the University of Paris in 1954, has been appointed instructor in the department of government at Harvard University for 1955-56.

Arthur N. Holcombe retired during the past summer after serving for fifty years in the department of government at Harvard University.

Frederick Holladay Harris, of the University of North Carolina, will be a visiting assistant professor of political science at the University of the South during 1955-56.

Lynwood M. Holland was on leave from Emory University during the summer quarter to study municipal planning in England under a research grant.

W. V. Holloway, professor of political science at the University of Tulsa, is visiting professor of public administration in the School of Public Administration, Florida State University, during 1955-56.

Robert A. Horn, of Stanford University, was visiting professor at the University of Chicago during the past summer.

David Horton, of Westminster College, Fulton, Missouri, was visiting professor of political science at the University of Missouri during the summer session of 1955.

Charles D. Hounshell, who was recently promoted to associate professor of political science at Emory University, was on leave during the summer quarter studying parlia-

mentary procedure in England under a research grant.

Thomas Hovet, Jr., who was visiting professor of government at Miami University during the past year, became assistant professor in September.

Ronald F. Howell, assistant professor of political science, Emory University, was visiting assistant professor at the Johns Hopkins University during the summer.

William C. Ide has left the American Embassy in Paris to become assistant program officer in the FOA Mission to Pakistan in Karachi.

Evan A. Iverson, Ph.D. candidate in the department of political science, University of Utah, has been appointed director of research for the Survey Commission on Local Government in Utah.

Norman Jacobson, of the University of California (Berkeley), has returned to the university after a year's leave of absence which was spent at the Institute for Advanced Study, Princeton University.

Donald Bruce Johnson, of the University of Iowa, was a visiting professor of political science at Emory University during the summer quarter.

Franklyn A. Johnson, chairman of the division of social relations and business at Rollins College, has been promoted to associate professor of government. He has recently been appointed state chairman of the Committee on United Nations Day by Governor Collins.

Frank H. Jonas, associate professor of political science, University of Utah, taught at Vanderbilt University during the summer quarter, 1955.

S. Shepard Jones, for the past thirteen years a staff officer in the Department of State and formerly (1938-42) Director of the World Peace Foundation and lecturer at the Fletcher School of Law and Diplomacy, has joined the department of political science at the University of North Carolina as Burton Craige Visiting Professor of Jurisprudence for the year 1955-56.

Walbert W. Kaempfer, formerly with the Bureau of Public Administration, University of Alabama, has accepted a research assistant-

ship in the Bureau for Government Research at West Virginia University.

Henry S. Kariel has been named instructor in government at Harvard University for 1955-56. He received the Ph.D. degree at the University of California in 1954.

John H. Kautsky, recently visiting assistant professor of government at the University of Rochester, has been appointed assistant professor of political science at Washington University, St. Louis.

William Keefe, associate professor of political science at the Pennsylvania College for Women, was a member of the Northwestern University summer session staff.

John P. Kennedy has returned to the University of Southern California after serving for a year in the Institute for Administrative Affairs, University of Tehran.

David Kettler, of Columbia University, has been appointed instructor in political science at the Ohio State University.

Otto Kirchheimer, formerly Chief of the Central European Branch of the Office of Intelligence Research, has accepted an appointment as professor of comparative law and government in the Graduate Faculty of Political and Social Science, New School for Social Research.

James Kitchens, of the University of California at Los Angeles, has accepted an assistant professorship in government at Southern Illinois University.

James R. Klonoski has been appointed instructor at the Henry Ford Community College in Dearborn, Michigan, for 1955-56.

Robert J. Koblit, on leave from Bard College, is teaching comparative government and public administration at the University of Baroda, Baroda, India, on a Fulbright grant.

Louis E. Lambert has resumed his teaching duties at Indiana University after a semester's sabbatical leave in England.

Lane W. Lancaster, chairman of the department of political science at the University of Nebraska for many years, resumed that position effective July 1, 1955.

Robert S. Lancaster, dean of men at the University of the South, has been promoted to professor of political science. He has also been awarded a Fulbright grant to teach in Bagdad.

George A. Lanyi, of Oberlin College, will spend the academic year 1955-56 in London on a grant from the Fund for the Advancement of Education. He will study British methods of research in international relations and will gather material for a study of British foreign policy before World War II.

Joseph G. LaPalombara was appointed acting head of the department of political science, Michigan State University, during the summer of 1955.

John A. Larson, formerly research associate, Bureau of Public Administration at the University of Tennessee, has been appointed instructor in political science at the University of Michigan.

Hugh L. LeBlanc has been appointed assistant professor of political science at George Washington University.

John W. Lederle is serving as acting chairman of the department of political science at the University of Michigan during the first semester, 1955-1956.

Larry Leonard, formerly of the faculty of the New School for Social Research and more recently engaged in study in Europe, taught during the 1955 summer session at Northwestern University.

Professor Edward G. Lewis of the University of Illinois has been promoted to the rank of full professor.

J. Gus Liebenow, after completing the work for the Ph.D. degree at Northwestern University, will spend the year 1955-56 in field study in Africa, investigating political and economic leaders in British East Africa.

Norton E. Long, formerly of Western Reserve University, has accepted a professorship in political science at Michigan State University.

David Lowenthal, who received the Ph.D. degree from the New School for Social Research in 1953, has been appointed instructor of government at Harvard University for 1955-56.

S. Gale Lowrie, formerly chairman of the department of government at the University of Cincinnati, has been appointed visiting professor of government at Rollins College.

Arthur W. Macmahon, Eaton Professor of

Government at Columbia University, is serving as visiting lecturer in political science at Yale University during 1955-56.

John P. Mallan, formerly of Harvard University, will teach in the department of government at Smith College during 1955-56.

Gerald J. Mangone resumed his teaching duties at Swarthmore College in September after spending a year in Italy on a Fulbright research fellowship, studying Italian political parties.

Boyd A. Martin, professor of political science at the University of Idaho, has been appointed Dean of the College of Letters and Science, succeeding Dean T. S. Kerr, who retired on July 1, 1955.

Laurence W. Martin has been appointed instructor in political science at Yale University.

Roscoe C. Martin, chairman of the department of political science at Syracuse University, will be on leave for the fall semester, 1955-56, to conduct research in public administration.

Donald R. Matthews has been granted a year's leave of absence from Smith College to make a study of political behavior under a grant from the Social Science Research Council.

Albert A. Mavrinac has been appointed instructor in the department of government at Harvard University for 1955-56 after receiving the Ph.D. degree from that university in 1955.

Herbert McClosky, associate professor of political science at the University of Minnesota, has been invited to spend the coming year as a fellow at the Center for Advanced Study in the Behavioral Sciences, established by the Ford Foundation at Palo Alto.

William McGovern will serve as chairman of the Northwestern University political science department during 1955-56, succeeding Charles S. Hyneman, who held the chairmanship during the two preceding years.

Stuart H. McIntyre has been awarded a fellowship by the Southern Fellowships Fund and will be on leave from the University of Oklahoma during 1955-56 to complete his doctoral dissertation.

Charles H. McLaughlin, associate professor of political science at the University of Minnesota, will be on leave of absence during 1955-56 to serve as visiting associate professor at the University of California (Berkeley).

William K. Medlin, Intelligence Research Specialist, Department of State, has been appointed lecturer in government at the American University.

Charles A. Micaud, of the University of Virginia, is on leave during the current academic year to undertake a study in France of political and social developments, particularly with relationship to the continued influence of the Communist party in France.

Anthony Lee Milnar has been appointed associate professor of political science and history at Ohio Northern University.

Arthur J. Misner, of the Bureau of Public Administration, University of California (Berkeley), has been appointed assistant professor of government at Los Angeles State College, beginning in September.

G. Theodore Mitau, of Macalester College, will be a visiting professor of political science at the University of Nebraska during 1955-56.

Robert J. Morgan, of the University of Nebraska, taught at the University of Southern California during the 1955 summer session.

Frederick C. Mosher returned to the faculty of the department of political science at Syracuse University this fall after having spent the spring semester, 1955, at the University of California (Berkeley).

Lloyd D. Musolf, of Vassar College, has been appointed visiting associate professor of political science at the University of Michigan for the first semester, 1955-1956.

Lyndon R. Musolf has been appointed instructor in government at Pomona College.

Dalmas H. Nelson has been appointed instructor in political science at the University of Nebraska.

Randall H. Nelson has been appointed visiting lecturer in the department of government at Southern Illinois University for the year 1955-56.

James A. Norton returned to his regular position as associate professor of public administration at the Florida State University

after a year's leave to serve as lecturer on public health administration at the Harvard School of Public Health.

J. Kimbrough Owen has been promoted to a full professorship in the department of government at Louisiana State University.

Daisy Parker, assistant professor of political science at the Florida State University, will be on leave of absence at the University of Virginia during 1955-56.

Malcolm B. Parsons, associate professor of public administration at the Florida State University, is teaching at the University of the Philippines during the current academic year under the joint program of FOA and the University of Michigan.

Julius Paul, recently on the faculties of the Ohio State University and Kenyon College, has been appointed assistant professor of government at Southern Illinois University.

George A. Peek, Jr., has been promoted to an associate professorship in political science at the University of Michigan. He is presently in the Philippines as the representative of the University of Michigan in the Institute of Public Administration at the University of the Philippines, established there by the University of Michigan in 1952.

Paul Piccard, of the University of Texas, is a visiting member of the department of political science at the Florida State University during the current academic year.

Frank A. Pinner, formerly of the Center for Advanced Study in the Behavioral Sciences, has been appointed to an instructorship in political science at Michigan State University.

Elmer Plischke, who has been serving as acting head of the department of government and politics at the University of Maryland, has been appointed professor and head of the department, effective July 1, 1955.

James K. Pollock, chairman of the department of political science, University of Michigan, will attend the Congress of the International Political Science Association at Stockholm and will be on sabbatical leave in Europe during the first semester, 1955-56.

Rollin B. Posey, professor of political science at Northwestern University, will be on leave during the year 1955-56 to develop the college department of Row Peterson & Company of

Evanston, Illinois, at present one of the leading publishers of materials for elementary and high schools.

Addison Potter, of the University of Minnesota, joined the faculty of Los Angeles State College in September as assistant professor of government.

R. Vance Presthus has resumed his academic duties in the political science department at Michigan State University. Professor Presthus spent the 1954-55 academic year in Ankara, Turkey, as research director of the Public Administration Institute for Turkey and the Middle East.

James Prothro has returned to the Florida State University after a year's leave of absence during 1954-55 with a Ford Foundation fellowship at Columbia University.

Harry H. Ransom, assistant professor of political science at Michigan State University, has been appointed research associate, Defense Studies Program, Graduate School of Public Administration, Harvard University.

Ellsworth L. Raymond has been advanced to an associate professorship in government at New York University.

Fred W. Riggs, recently of the New York Office of the Public Administration Clearing House, has been appointed assistant professor of political science at Yale University.

Arnold A. Rogow, who was an instructor at the State University of Iowa 1952-54 and held a fellowship at the Center for Advanced Study in the Behavioral Sciences, Stanford University, during the academic year 1954-55, returned to the State University of Iowa in September as an assistant professor.

Robert H. Salisbury, who received the Ph.D. degree at the University of Illinois in June, has been appointed instructor in political science at Washington University, St. Louis.

Walter F. Scheffer, who recently received the doctoral degree from the University of Wisconsin, has been promoted to assistant professor of government at the University of Oklahoma.

Theodore R. Schellenberg, Director of Archival Management, National Archives and Records Service, has been appointed professorial lecturer at the American University.

Joseph A. Schlesinger has accepted an appointment as instructor in political science at Michigan State University.

John R. Schmidhauser, instructor in political science at the State University of Iowa, was on the staff at Kirksville State Teachers College, Kirksville, Missouri, during the summer term of 1955.

Carl J. Schneider will be on leave of absence from the University of Nebraska during the academic year 1955-56 doing research in Europe.

Glendon A. Schubert, Jr. has been promoted to the rank of associate professor of political science at Michigan State University. Professor Schubert was visiting associate professor of political science at the University of Minnesota during the spring term, 1955.

John Schutz, of Whittier College, spent the summer in the Bahama Islands where he was engaged in research on British colonial administration in the eighteenth century.

Harry M. Scoble, recently a visiting instructor in political science at the University of North Carolina, has joined the department of government at Boston University.

Harold J. Shamberger resigned in May as research associate in the Bureau for Government Research, West Virginia University, to join the staff of the New Jersey Manufacturers Association.

Samuel L. Sharp has been promoted to professor of international relations and organization at the American University.

Chandler Shaw, head of the department of history and political science at Bethany College, was visiting professor of political science at West Virginia University during the 1955 summer session.

Theodore Shay, after receiving the Ph.D. degree at Northwestern University, will spend the year 1955-56 in India where he will study the impact of certain bodies of political theory on the formation of the Indian Constitution.

Lewis B. Sims, who served for ten months with the second Hoover Commission, has resumed his duties as organization and methods examiner in the Office of the Surgeon General.

Thornton Sinclair has been advanced to professor of political science at the University of Houston (Texas).

Allan P. Sindler, recently of Duke University, has been appointed instructor in political science at Yale University.

Constance E. Smith has been promoted to assistant professor of government at Wheaton College, Norton, Massachusetts.

Reed M. Smith, who has been teaching part time at Brooklyn College, will serve as visiting instructor in the department of history and political science at Baldwin-Wallace College, Berea, Ohio, during 1955-56.

Rhoten A. Smith, assistant professor of political science at the University of Kansas, has been granted a one-year leave of absence to serve as associate director of the Citizenship Clearing House at the Law Center of New York University, beginning September 1, 1955.

Fred A. Sonderman has been promoted to assistant professor of political science at Colorado College, Colorado Springs, Colorado.

C. E. Speakman, Jr. will continue on leave from the Woodrow Wilson Department of Foreign Affairs, University of Virginia, next year as a visiting professor of political science at the American University of Beirut.

David Spitz, associate professor of political science at the Ohio State University, has been awarded a Rockefeller fellowship in political theory and will be on leave for the academic year 1955-56. He also received a grant from the Fund for the Republic to carry on research during the summer of 1955.

Paul D. Stewart, of Marshall College, was a visiting member of the department of political science at West Virginia University during the 1955 summer session.

Ralph A. Straetz has been promoted to associate professor of government at Miami University.

Ulrich A. Straus, graduate student in political science at the University of Michigan, has been granted a Fulbright fellowship to study in Tokyo, Japan, during 1955-56.

K. Thor Swanson has been promoted to the rank of assistant professor in the department of history and political science at the State College of Washington.

Richart N. Swift has been promoted to associate professor of government at New York University.

Joseph Tanenhaus, assistant professor of government at New York University's Washington Square College of Arts and Science, has been appointed a Faculty Research Fellow of the Social Science Research Council in Washington for a three-year period. Beginning September 1, 1955, he will undertake a study of United States Supreme Court records and opinions in an effort to establish the relationship of judicial conclusions to the nature of the case, its origin, the parties involved, the briefs submitted, and the authorities cited. He will continue to teach at NYU for one semester each year.

Philip B. Taylor, of the political science department, University of Michigan, will be on leave of absence during the second semester of 1955-56 teaching at the University of California (Berkeley).

Richard W. Taylor, formerly assistant professor of political science at Lehigh University, has accepted an assistant professorship in political science at Wisconsin State College, Stevens Point, Wisconsin.

Stanley E. Thames, who received the Ph.D. from Duke University last June, will serve as assistant professor of political science and history at the University of the South during the academic year 1955-56.

Kenneth Thompson has resigned his position in the Northwestern University political science department to continue in his employment with the Rockefeller Foundation.

Frank N. Trager, research professor of government at New York University, has been designated director of a Burmese research project to be conducted at New York University during 1955-56.

Max Wesley Turner has been promoted to professor of government at Southern Illinois University.

Wayne W. Untereiner returned to the University of Southern California in September after an absence of one year. He has been engaged in research at the Center for Advanced Study in the Behavioral Sciences at Stanford University.

John P. Vloyantes, of Pacific University, Oregon, has been promoted to assistant professor of political science, effective in September, 1955.

Harvey Walker, of the Ohio State University, will teach at Southern Illinois University during the spring quarter, 1956.

George A. Warp, associate professor of political science and associate director of the Public Administration Center at the University of Minnesota, will be on leave of absence during 1955-56 to serve as United Nations lecturer on local and municipal government at the School of Public Administration in Rio de Janeiro.

E. E. Weaver, associate professor of political science, University of Utah, has been appointed Commissioner on the Survey Commission on Local Government in Utah, and has been elected a member of the executive committee of the commission.

Troy R. Westmeyer has resigned his position as assistant professor of government at Boston University to devote full time to his work as Director of the Massachusetts Fiscal Survey Commission.

Allen S. Whiting, who spent the last two years in the Far East on a Ford Foundation fellowship, has been appointed to an assistant professorship in the department of political science at Michigan State University.

Francis M. Wilhoit has been appointed assistant professor of history and political science at Mercer University. He was also recently awarded a Fulbright Teacher's grant to Germany.

Paul G. Willis, assistant professor of government at Indiana University, has been granted an extension of his leave of absence so that he may continue during the first semester of 1955-56 as assistant to Paul M. Butler, Chairman of the Democratic National Committee.

Glenn G. Wiltsey, professor and chairman of the department of government at the University of Rochester, is on leave of absence during the fall semester to study the relationships between administrative agencies and public prosecutors in enforcing regulatory legislation.

William O. Winter has been promoted to associate professor of government at Southern Illinois University.

S. Joseph Wodka, formerly at the University of Detroit, has been appointed assistant professor at Central Michigan College.

W. Howard Wriggins, assistant professor of political science at Vassar College, will undertake a two-year study of foreign policy-making in Ceylon this fall under a grant by the Rockefeller Foundation. He is the recipient of a one-semester Vassar College Fellowship for his research. After three months' research in England at the University of London and the Royal Institute of International Affairs, Professor Wriggins will go to Colombo, Ceylon.

Theodore P. Wright, Jr. has been appointed instructor in government at Bates College.

Paul N. Ylvisaker has resigned his position at Swarthmore College to accept a position with the Ford Foundation.

Emil Zaslawski, of the University of Miami, has accepted a position in the department of government at Southern Illinois University.

IN MEMORIAM

Boris Mirkin-Guetzevitch died in Paris on April 1, 1955. His death, at a comparatively young age, is a genuine loss for the two sister republics that he had loved so well and between which he commuted so regularly.

A great personality, Boris Mirkin-Guetzevitch in a way typified our age. He was born and educated in Czarist Russia, but as a dedicated and passionate democrat he fled from the Bolshevik Revolution. In Paris he did not follow in the path of so many Russian refugees; he refused to live in the past. Instead, he plunged into a new career, taught and lectured and wrote, and finally became an eminent and profoundly respected professor in some of France's greatest institutions of learning. Hitler made him flee to America and here, once more, he began a new career in a totally new world; and once again he achieved distinction and success. He was the moving spirit behind the *Ecole Libre des Hautes Etudes*, organized under the auspices of the

New School for Social Research. To the end of his life he was the soul of the French University in New York, the independent institution into which the *Ecole* has developed, as well as professor in the Graduate Faculty of the New School. He lectured in many other institutions, including Harvard and Columbia, and occupied eminent posts in the fields of human rights and international affairs.

As a human being, Boris Mirkin-Guetzevitch was loved by everyone. He liked people and gave himself—his energies, his knowledge, his warmth, his help—to students and friends alike. There was a kindliness in him that was radiant. And the world reciprocated his love. He was a good man in the very deepest sense of that term. The ideals of freedom and democracy were a religion to him. He had fought for them all his life. His death will be greatly mourned by all of us. But his spirit will live on.—SAUL K. PADOVER.

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THE CONSTITUTION AND THE TASKS AHEAD*

CHARLES MCKINLEY

Reed College

A resurgent conservatism rules the day in the United States not only in public affairs but also in political speculation. Frightened by the uneasy ghost of the barbarism that was embodied in German Nazism and Italian Fascism and by the spread of Russian-spawned totalitarianism, political speculation in this and other democratic countries now shrinks from the hazard inherent in a rationalistic effort to remold the world of public affairs. Inquiry turns to the adoration of our inheritance, to the discovery of neglected or undervalued virtues in the institutions as molded by our forebears, and to the wise prevision which they, in simpler crisis times, expressed in their statesmanship.

My own fundamental orientation toward government developed in the "progressive" decade before mankind's applecart was sharply tilted, if not completely upset, by the First World War. It rested upon an act of preference for a democratic, freely thinking, and freely associating society. It therefore shared something of the "divine discontent" felt by all political innovators, to whom the wisdom of the ancestors always has seemed incomplete and often inadequate to meet the demands of a constantly changing society. The new conservatism thus comes as a healthy stimulus to reassessment. In recent months I have been trying to make such a reevaluation of my views concerning the American constitutional system and its adequacy, as it has evolved since 1910, for meeting the needs not only of our own people, but of the other nations whose fortunes are willy-nilly joined to ours. A special spur has been provided by this recent declaration of one of our most respected and learned colleagues: "I believe," he asserts, "that the government of the United States under the Constitution, is probably the greatest achievement of the entire human race up to now in the construction of a political system that will provide strong and active government for every national

* Presidential address delivered before the American Political Science Association at its fifty-first annual meeting in Boulder, Colorado, September 7, 1955.

and local need and emergency, and at the same time ensure a maximum attainable personal liberty and popular control over what government does."¹

This appraisal by William Anderson, whose judgment I have learned to value most highly, is sharply at variance with the conclusions which I had formed at the height of the Progressive period, about 45 years ago. I believed then that the American constitutional system, despite its modification by the growth of parties, could not, without drastic revision, be made to respond adequately and responsibly to the urgent requirements of American society. Because of the courts' constricting views of both national and state powers, extensive revision seemed necessary to enable our federal system to grapple successfully with national questions. Moreover, I was convinced that the allocation of powers between the organs of national government, with their many checks and balances, often doomed us to paralysis when decisiveness was essential; that instead of providing us with what Beard in his later conservative days was to characterize as a scheme of "dynamic equilibrium," it encouraged dynamic *disequilibrium* in the social order. In this mood, searching comparative experience for models toward which the American Constitution might be remolded, I thought the basic answers were to be found in the parliamentary systems of Britain and the self-governing dominions.

Those were days when the faith in the power of reason to adapt political institutions to men's needs was still bright. The influence of John Stuart Mill with his emphasis on the rational pursuit of the ideally best form of government was widespread. Burke's historical pessimism, with its panegyric on the virtues of inherited ways and prejudices, had slight appeal; it had not yet been reinforced by the new views of human nature and of culture soon to be voiced by the behaviorists, the Freudians, the sociologists, and the cultural anthropologists. What seemed very clear was the urgent need to find means to ameliorate the pressing economic, social, and political evils that had been generated by the post-Civil War industrialization of America and its accompanying urbanization. There was, moreover, a growing belief, expressed by the many innovations in city charters and state constitutions and statutes, that modifications in the machinery of government *were* attainable and *could* inaugurate a new era of genuinely democratic government. This point of view was to be voiced on the broadest scale by the Bull Moose convention of 1912 in its call for an easier method of amending the Constitution

¹ William Anderson, *The Nation and the States, Rivals or Partners?* (Minneapolis, 1955), p. xi.

so as to adapt our fundamental law "progressively to the changing needs of the people."

Looking back over the main constitutional developments of the last 45 years I have tried to see whether there are any valid remnants of those youthful convictions. It is clear that the American Constitution of 1955 is not identical with that of 1910. The psychological barriers against formal constitutional amendment which then seemed nearly insuperable were breached within three years after that date. The 16th and 17th Amendments gave us a new and fundamental fiscal resource for collective purposes and a greatly changed Senate from which the salty tides of popular opinion could no longer be filtered out by the often corrupt processes of indirect election. The deification of the formal document which had equated amendment with sacrilege seemed ending. Within a few years two more changes were made, and one of them swiftly completed the expansion of the political rights of women. A dozen years later came the depression-induced amendment which ended the "lame duck" Congresses and shortened the period between the election and installation of the President. How urgently the latter provision was needed received full demonstration in the drift toward economic chaos during the constitutional paralysis of executive leadership from November, 1932 to March, 1933.

Emotions generated by the Second World War wrought the latest formal constitutional change and provided the generative force which nearly sent the proposed Bricker amendment to the states for ratification. But the 22nd Amendment, unlike the earlier 20th-century changes, was not an *innovative* modification of constitutional powers. It restored the older constitution of custom, unbroken to 1940, which denied the electorate the right to select the same President for more than two terms. So, too, the Bricker amendment, which almost passed the Senate, was aimed at the status quo ante 1910 or, in some respects, 1787. It would enshrine in holy parchment a conception of federalism relating to the impact of foreign relations upon the distribution of national and state powers practiced under the Articles of Confederation, while simultaneously removing from presidential jurisdiction the power of making international executive agreements, exercised, with increasing frequency, almost since the beginning of American nationhood.

The 22nd Amendment and its Bricker consort, still waiting in the Senate lobby for a second try, are both antipathetic reflections of one of our two most significant constitutional developments of the past half-century. This is the great growth of presidential power. Though the popular tribune notion, with its matching assertion of presidential independence, dates from Jackson's time, the great growth in the powers

of our chief executive parallels in time the comparable phenomena of expanding executive authority among the parliamentary democracies of the West. It began with the first Roosevelt, and while there have been subsequent periods of executive lassitude, there seems general agreement in our profession that, despite the 20th-century conservatives' distrust of presidential power, we are most unlikely again to experience such a hiatus in presidential influence on domestic and international policy as that of the period between Lincoln and "T. R." Conservative incumbents of this office may yearn to sit in the cool of the White House cellar and count apples while Congress attends to the few laws desired by the leaders of "private enterprise," but there is no prospect of a return to the supposititious world of Calvin Coolidge. The electorate, and in particular the urban sector whose numerical dominance over the rural continually increases, are not likely to permit the holder of this high office to desert his leadership role in public policy with which it is now identified. It is they, and particularly the metropolitan voters, who tend to decide presidential elections. This office, unlike the Senate and the House, affords at present their best chance for effective representation in public policy. This peculiarity is not found in parliamentary systems, whose ministries and parliaments together mirror with policy sensitivity the going schemes of the constituency representation.

In appraising, therefore, the significance of the establishment of the office of the President as the principal vehicle for the crystallization of public opinion into governmental policy, we must note that though this has, in one important respect, increased the prospects of responsible democratic government in the United States, it has at the same time set the stage for increasing and continuing friction between Congress and the President.

This friction cannot be rationalized by the old argument of the need either for special class representation or for more delay to prevent precipitancy. Even though recent evidence indicates greater party cohesion in congressional voting than has heretofore been assumed, the party tie to the Chief Executive is still too weak a bond to obviate the necessity for bi-partisan support if presidential leadership on major policy issues is to be effective. And of course no matter how strong this tie might become it is of no avail, and could be a positive impediment to the requisites of governance, when as in 1910, 1918, 1930, 1946, and 1954 the mid-term election produces a Congress dominated in one or both houses by the opposite party. Frequently since 1938 a bi-partisan majority, reflecting the voting dominance of rural and small city areas led by an urban business minority, has carried the major policy decisions in opposition to presidential leadership in a Congress bearing the same

party stamp as the President. This situation is likely to become more frequent, for the drift of population toward metropolitan regions continues, and the impediments to the revision of congressional electoral areas seems unremediable—permanently frozen into the Constitution, in the case of the Senate, and deeply entrenched in state constitutions and hallowed state legislative apportionment practices in the case of the House. Only in case of war or grave economic disaster, when Presidents may take on messianic attributes and assume or are clothed with dictatorial powers, will presidential leadership be consistently accepted by the Congress. Even in such critical times this acceptance is far from complete, as the stories of price control and of taxation during the Second World War bear witness.

It is an ironic fact that great presidential leadership in such critical times not only appears to breach, but in fact must at times ignore, constitutional limitations in order to serve the nation effectively. And the price we have paid for these essential services, tinged as they have often been with the taint of unconstitutionality or illegality, has been a revulsion of public opinion which has denigrated both the office and its occupant. The post-Civil War consequence of Lincoln's war leadership was visited upon the head of Andrew Johnson. It was expressed for many years in the disparagement of the presidency and in the dominance of irresponsible Congresses. More expressive of this post-Civil War mood than young Woodrow Wilson's iconoclastic study of *Congressional Government* was William Lockwood's book, published one year earlier (1884), bearing the significant title, *The Abolition of the Presidency*.

The penalty for Woodrow Wilson's leadership during the First World War was not only his subsequent repudiation by the Senate enforced by the constitutional minority, but a two-year stalemate during which the world, facing the need to organize itself internationally, drifted and extemporized until our organs of national will could recover from their paralysis—and by that time a golden opportunity had been lost.

But the price also included a postwar glorification of presidential attributes devoid of leadership talent or intent and the expression of this mood by the selection of a President whose capacities, character, and vigor were patently unequal to the demands upon that office, even in a period when the yearning for "normalcy" and the disparagement of government called for a minimum of collective action.

The aftermath of the Great Depression-Second World War crisis period is so close to us and differs so markedly from earlier periods of "let-down" that I hesitate to attempt its evaluation upon the presidential situation. The desire for relaxation from governmental interference certainly followed the familiar pattern, but respite from crisis was very

brief. The sky was quickly overcast by the march of Communist conquest, the race for atomic weapons, and the eruption of many small wars in one of which we again became the major participant. Though filled with anxiety, we have been determined to "eat our cake" as well as throw it away. We want a presidential leader who will show us how to do both. He must keep us out of war but he must not appease the Communists. He must deal skillfully with other nations, but he must fire his Secretary of State and his diplomatic staff whenever they are actively disliked by a minority of senators. He must be a good Commander-in-Chief but he must not remove a politicking general who opposes his foreign policy or misconstrues his military directives. He must keep silent when senators of his own party, even his own Senate leader, set up their own foreign offices in competition with or in opposition to his Department of State. The momentum behind the Bricker amendment has been temporarily stayed, but if it revives with a small increase in strength, we may yet see transferred to the Congress or to the states much of the responsibility for shaping our engagements with other nations.

Yet those who share my own judgment that the elevation of the office of the President to the first position of leadership has been essential to our quest for a more responsible democratic government, would gravely err if they should write down the periodic reactions against presidential powers as wholly without justification. Many political scientists, approving the leadership function by the Presidents of the last 20 years, in peace and in war, seem to fall into that myopia displayed by Harry Hopkins as he observed the differences in the operation of the presidency and the British prime ministership during the famous battleship conference that brought forth the Atlantic Charter. As Sherwood reports, the admiring Hopkins "remarked on the fact that whereas Roosevelt was completely on his own, subject only to the advice of his immediate and self-selected entourage, which advice he could accept and reject, Churchill was constantly reporting to and consulting the War Cabinet in London, addressing his communications to the Lord Privy Seal, who was then Clement Atlee." What Hopkins did not seem to sense was the relative political isolation and incomplete responsibility, and therefore contingent political weakness, in the situation of the President, because, unlike the British chief executive, he could not count on the explicit, assured backing of a body comparable to the British War Cabinet, able to speak as the united mouthpiece for all party groups within Parliament and the British nation.

There is a sense, as I have already noted, in which one man occupying a national office set apart as the only post on which the entire electorate may cast its ballot, becomes the best representative of the nation.

But this is nevertheless a precarious relationship. There is a deep-seated popular suspicion of the possession by any one man of the fundamental power of law-making or the power to bind us with obligations which may commit our lives and everything we hold dear to the catastrophe of war. To be sure, this attitude is historically identified with the status of irresponsible kingship, or its modern dictatorial counterpart. The complementary history of representative government, on the other hand, has been positively identified with multiple-membered bodies, tied by electoral processes so as to express therein the diverse interests of all significant social groups constituting the civic electorate of the polity. True, this representative relationship differs from that of pure agency though sharing the agency characteristic of the right of ultimate dismissal if the represented are sufficiently dissatisfied. It has been suggested, however, that given a democratic electoral process the presidency provides a more direct, more unified, more enterprising partial substitute for the representative function in the government of a far-flung *federal* system than does Congress. So long as Congress is actually misrepresentative in composition, or, as so often in our bicameral history, is split into two politically hostile corporate groups which either fail to reach a consensus or find agreement through bargains that greatly distort the representative process, it is hard to deny the force of this assertion.

Yet there are other objections to an institutional situation which compels primary reliance upon the President or any other single official independent in tenure of the multiple-membered organs of law-making for the basic overall representative function in a democratic nation. One man as a single psycho-physical organism has deep-seated habit and value preferences which regardless of his conscious thinking and willing processes will incline him in particular directions. Every man who reaches such eminence possesses a "political" character structure—the resultant of a configuration of political attitudes which interpenetrate and which incline his values and judgment in particular directions. But even with all his tendencies toward inner conflict and ambivalence no single personality can be an adequate substitute for a properly constituted multi-member group in the performance of the primary representative process. To bring to the surface the varied and often conflicting social interests of a heterogeneous electorate a multi-membered body is inherently superior, possessing as it does its own automatic checks and balances—provided it operates in the free market of public discussion and association and provided also that it has its *own overt integrating leadership* which stands directly exposed and accountable before the whole nation for the results of its decisions.

The American presidency, through its independent and fixed tenure

and its independent constitutional prerogatives, oscillates from unlimited legislative power in times of great crisis when Congress and the courts are frightened, to frustration or impotence when tension is over, retaining only such influence as may be exercised by the astute use of patronage, by special mass appeals over the heads of Congress to the voters, or by expansive presidential interpretations of legal authority, sometimes doubtfully possessed.

Nevertheless, the President as head of state at all times possesses potential regal attributes which limit criticism and compel a minimum of acquiescent deference. Even so great a man as Prime Minister Winston Churchill, in his relations with Franklin D. Roosevelt (so Hopkins assures us), guided his behavior by the deference due the head of state. Where criticism cannot go, irresponsibility may enter and error reign unrevealed. This aspect of the presidential office has slight importance in tranquil times, but in crisis epochs, particularly those of an international kind where the President operates also as the molders of world policy, it may, without effective public or congressional debate or understanding, decide the destiny of the human race. Passing over recent illustrations and reverting to difficult but less perilous times, we recall that twice in our relations with Mexico, President Wilson, whose temperamental horror of war has been well documented, led us to the brink of full-scale conflict in the pursuit of tortuous policies intended to determine the internal leadership of Mexican politics. These policies, as Professor Link's studies show, he failed candidly to explain either to the Congress or to the public. This royal trait of the presidential office is rendered all the more significant by the absence from our system of any method for institutionalizing a responsible opposition party leadership, or for producing a cabinet personnel or practice designed to assure the refinement of presidential judgment on the anvil of informed and sensitive political discussion.

The President may and often does select his confidants on high public policy on purely *personal* grounds. *On whom he leans may be a matter of sheerest accident*, though of the greatest potential political consequence. High policy advice may lurk within story-telling, poker-playing companionship or a speech-drafting entourage. A Wilson may permit a monopoly of his innermost thoughts by a sympathetic and astute Colonel House, or a Roosevelt may find shrewd, bold, and unselfish advice from a hero-worshipping Hopkins, but a Harding or a Grant may build the decision-making process upon ill-informed or untrustworthy private friendships.

How thoroughly out of touch with congressional opinion and attitudes presidential decisions made under these personal or private influences

can become was dramatized in 1944 by the spectacular repudiation of President F. D. Roosevelt's tax veto by the Senate and by his own theretofore faithful spokesman and Senate leader whose advice he had brushed aside. The experience of Senator Harry Truman when elevated to the presidency illustrates the fact that even "one of the boys" may quickly find that his new and different sense of responsibility and the isolation imposed by the "separation of powers" have placed him outside the immunities and good fellowship with which the Senate, as a corporate group, cushions conflicts within its own circle.

These are some of the adverse factors that still cling to the office of the President in the role of legislative leadership for the nation despite the augmentation of that role in the past 40 years.

But what of the Congress? Direct election of senators and changes in the political culture of the states have eroded the tight plutocratic, oligarchical control that ruled in the first decade of the present century. Cannonism in the House disappeared in 1910-11. Yet the displacement of these concentrations of power by dispersed centers of influence substituted for one form of irresponsibility another and more anarchic form. I can but enumerate, without reciting evidence for them, certain basic conclusions: (1) Despite the exhortation of two committees set up by this Association, those admonitions contained in the report of the Joint Congressional Committee on Reorganization and in the more limited aspirations implicit in the Act of 1946, and despite comparable suggestions for reform by a galaxy of informed critics, the houses of Congress have not acquired, either separately or in union, institutions of responsible collective legislative leadership, nor are they willing consistently to accept that of the President. Seniority, particular interests, and localism rule where party has abdicated. (2) In the control and direction of the work of the executive department, congressional influence is even more completely dispersed over administrative personnel, programs, and even detailed operating decisions not only among the chairmen of committees or sub-committees but also among individual congressmen. Here the Constitution's requirement for Senate approval of presidential appointments, whose ill-consequences were clearly foretold by John Adams and historically demonstrated by Joseph Harris' recent study, adds built-in impediments to the integrated control of "Big Administration." Great as has been the headway since 1910 in reducing the spoils system and improving the devices for merit measurement, the disintegrating and capricious influences that play upon executive agencies not only discourage development of a permanent top-level managerial corps but rob departmental and presidential management of essential coordinating influence, all plans for administrative reorganization and

central staffing to the contrary notwithstanding. Herman Somer's recent brilliant essay on this matter reminds me of the large element of truth in the second part of the satiric remark ascribed to Charles Beard to the effect that American constitutional evolution had transferred the law-making function to the President while Congress had become the chief executive. (3) Checks and balances within the bicameral system and between Congress and the executive give to the American republic many of the characteristics so widely ascribed to France. Organs of national will are frequently paralyzed when decision and action are important. With regard to many questions of national and international policy, we seem often to approximate that 18th-century ideal expressed by Hamilton when, in defending the veto power, he expressed the belief that "*every institution calculated to restrain the excess of law-making, and to keep things in the same state in which they happen to be at any given period, is much more likely to do good than harm. . . .*"

Even that essential informal ingredient of democratic constitutions, the national political party, which the architects of the Constitution most feared, has undergone only slight development toward the kind of self-discipline, the improved prestige, the popular support, and the internal efficiency of management which are necessary for the workable adaptation of a check and balance system to the needs of government. The creation of a small permanent office by the national committees of the major parties since Al Smith's defeat is a gain. The use of research in the drafting of policy statements is laudable and was first copied by the Democrats from the Socialist party in 1916. But these improvements are miniscule. Our own Committee on Political Parties has fully documented the distance that must still be traversed before responsible parties become possible. Without commenting on its many proposals, or that of other advocates of increased party control over congressmen and congressional policy, I would express grave doubt of the efficacy of their exhortations in face of the obstacles to party government which are built into the present structure of the Constitution. Acts of will and conscious desire are of course essential to any deliberate reform. But a desire for and acts of will toward greater central party control and discipline are not likely to arise in the breasts of congressmen and senators or pressure group leaders so long as congressional terms of office and reelection prospects are, by constitutionally created provision, independent of the President or so long as there is no provision for a recognized leader of the opposition to play a continuous and effective role.

The most striking differences between the Constitution of 1910 and that of 1955 are the new allocation of powers between the nation and the states, and the freeing of both national and state legislatures from the

judicially constructed straitjacket of laissez-faire economic limitations. What Professor Corwin has so aptly called the "Constitutional Revolution, Ltd." worked by the Supreme Court in 1937 and the years immediately following erased the constitutional impediments which Frank Goodnow's summary of 1911 had soberly listed as lying athwart the path of necessary social reform. The Court on the one hand has "out-Marshalled" Marshall in its expansion of the scope of the commerce, taxing, and spending clauses that endow Congress with powers, and, on the other, has freed both state and national legislatures from the major limitations on economic regulation which the old Court had found lurking within the phrases of the 5th and 14th Amendments. In the economic sphere the doctrine of limited powers seems pretty well erased.

With respect to federalism, no longer does the theory of dual federalism create a no-man's land of legal impotence over economic problems. Cooperative federalism has judicially and administratively replaced competing federalism. Congress and the President may attempt to deal with any economic and social problems of national importance, despite the 10th Amendment. The state legislatures, if interested in giving reality to the experimental opportunity inhering in federalism, are now free to act. Judicial review as it was exercised by the Supreme Court in 1910 and down to 1937 has thus lost its major sting.

Moreover the principle of review does remain to give support to the exercise of precious civil liberties within the 48 states which the Court discovered, since the mid-twenties, to inhere within the seminal phrases of the 14th Amendment. Here limited government still reigns, and reigns more fully than ever before in our history. On the other hand, the Court has not yet shown comparable jealousy for guaranteeing the exercise of these personal rights as against the *national* government.

Finally, the nation's legal right to play such a role in the society of nations as the President and Senate may decide has also been so generously construed by the Court that what remains to be most prayed for is the national capacity to make up our minds wisely.

Thus the constitutional power to govern, and its allocation within our federal system as re-defined by the Supreme Court, meets today most of the criticisms leveled in its direction by those who shared my predilections in the hopefully discontented days of 1910.

But in this third quarter of the 20th century the challenges to self-government are not exactly like those of 40-odd years ago. The world of 1910 is far away. Two global wars, a most devastating and prolonged economic depression, the revival and rapid spread of dictatorship in Europe and Asia, utilizing new scientifically refined savagery in peace

as well as in war, have intervened. In the wake of these cataclysmic events we in America find ourselves snatched from our intra-continental self-sufficiency and self-absorption and not only thrown into the main stream of world events but placed at the head of one of the two great armed camps into which the world is now divided. We gird ourselves and our allies for total atomic destruction lest we be totally destroyed. In this interim of 40 years our faith in "inevitable progress" has been shattered. We ought now to realize that if we are to retain a democratic social order and remove the red scourge of war and mass destruction we shall have to earn these essentials of human welfare by the sweat of our intelligence, by our moral sensitivity and effectiveness, and by our capacity for *sustained* social and political cooperation not only among ourselves but with other peoples.

Nor do we any longer take it for granted that we shall easily command the physical resources for the tasks that lie ahead and the full life we crave. The war-revealed critical shortages in our continental supplies of strategic minerals and the approaching depletion of high quality deposits of some of our most essential base minerals—such as iron, lead, copper, and bauxite ores—create a new anxiety lest the physical base for our increasingly mechanized industrial civilization fail us. Demands upon our soil and water resources when measured by the needs of a rapidly increasing population here and in the rest of the world forecast the necessity for careful and discriminating use. It is not necessary to accept as certain the estimates of Harrison Brown, in his brilliant summation of the physical basis for prospective industrialized world society, to conclude nevertheless that as never before in modern times, social controls and public initiative in future years will have systematically to guide, modify, or supplement private decisions in resource use. Already caught up in this tendency, we shall find it necessary increasingly to use political means to assure the continued availability at reasonable cost of the material foundations for continued high living standards and for the extravagantly hungry demands of defense or war.

And finally, the Great Depression has left a heritage of conviction, shared by every consequential political party, that we must not permit its repetition. Though there may be slips between intent and performance, conservatives, liberals, and radicals, farmers and city folk seem united in the affirmation that governmental instruments must be used to halt a depression and to maintain a high level of employment.

Thus it is a very different world from that of 1910 against which we must measure the adequacy of the democratic political devices and ideas mankind has slowly and painfully wrought for social action. Nor will *this world of 1955* stand still for long. Robert Oppenheimer has

eloquently characterized the heart of our situation. What confronts the human race, he says, "is the prevalence of newness, the changing scale and scope of change itself, so that the world alters as we walk in it, so that the years of man's life measure not some small growth or rearrangement or moderation of what he learned in childhood, but a great upheaval." Yet the changing world of which Oppenheimer speaks, which moves with such acceleration, is principally the world of scientific and technical knowledge, of the artifacts, the work and other interpersonal relationships and of the economic and social institutions which rise to serve them. The world of *political* institutions, ideas, and practices, and of public convictions about such matters, born long ago of human needs and aspirations, waits far behind. We see clearly a similar situation for past epochs in Western civilization when, as in the case of the Greek city states and the Roman republic, constitutional adaptation was too slight and too slow to prevent political catastrophe. But unlike the ancient Greeks and Romans *we* possess the *technical means* of mass communication, transportation, and universal education so essential to the operative adaptation of democratic government to change.

Yet our emotional attachment to accustomed ways of operating democratic government may, by inhibiting prompt adaptation, rob us of the institutional tools with which to preserve the basic human values implicit in the democratic faith. We see this pretty clearly for example in the lag between the institutions of local government and the responsible fulfillment of the complex public tasks required by the new metropolitan communities. Nevertheless, in that sphere we have been at least able to talk freely, to criticize, and to propose without incurring undue obloquy. Not so in the realm of national constitutional problems, where, as Charles Merriam noted in the concluding essay of the 1933 landmark survey on "Recent Social Trends," proposals for change of the constitution "have been identified with treason to the state."

I know that many of my more learned colleagues in this Association believe that in the development and practice of a science of politics we are obligated only to observe accurately, describe, and generalize. Despite this view, my youthful convictions on this score are firm. The value of any science is to be found in its ultimate impact upon human welfare. I therefore believe we must search for clues from our own history and from comparative experience that may be helpful in the institutional adaptations most likely to resolve the problems of governance that lie ahead. But I have learned that the process of suitable constitutional adaptation is a much more difficult and uncertain thing than seemed to be true in 1910. I have greater appreciation for the significance of the total social matrix to the operation of formal constitutions and informal polit-

ical practices. I would acknowledge that element of truth in both Burke and Hume which stresses the constricting allegiance of historical forces upon the mental commitments of men. Yet I do *not* believe that we must remain *wholly the captives of our past*, or the creatures of those occasional changes that come when we are moved from our ideological moorings by catastrophic chance.

There is *some* freedom of choice, *some* opportunity for reasoned thought and logic to guide our collective conduct, despite the large influence of the instinctive, the non-rational, and the habitual. The new awareness of these latter motivations in our behavior may even free us to direct more effectively the strategies for our own adaptations. But this process cannot proceed with promise unless it begins by vigorous discussion, based upon a recognition of the need for constitutional modification.

If some miracle were to alter the many cultural factors that now deter many of our wisest, most talented, and most trustworthy men and women from enlisting in the transcendent tasks of statecraft that challenge us, such leadership would still be frustrated and discouraged by the fragmentization of responsibility and power inherent in our constitutionally-induced political practices. If we are to get and to keep the quality of statesmanship the times require, it will be necessary to make such revisions in the relationships and composition of the organs of national government as will increase their integration and their representativeness. If we are to win through to complex and distant goals, there must also be changes to assure promptness in decision-making when urgency presses, as well as the development of wide and sustained public understanding. As a people we shall need, as never before, the capacity for intelligent self-restraint of many kinds. Can such constitutional rearrangements be combined with democratic control and with the preservation of freedom of speech, press, and association, and of all the galaxy of precious individual choices by which the power to govern must be cushioned to make it genuinely accountable? The age-old difficulty that powers granted may be abused lies before us in an acute form.

Yet even as we hang back, afraid to bring together in some closer responsible relationship our President and the houses of Congress, power is already being gravely abused. No other contemporary mature democracy has witnessed such inroads upon its citizens' personal liberties of speech, association, and due process as have we during the trying postwar years. Our checks and balances, which split power and dissipate responsibility, have not spared us from the humiliations and terrors of the rankest invasions of privacy, of rights to employment (private as

well as public), of the incitation of son against parent, or brother against brother, or of pillory before the public—so that our friends slink away lest they too be similarly punished. Where else among the Western democracies is there a parallel to that phenomenon known as McCarthyism? Is our danger from either the internal or external menace of communism so much greater than that of the Scandinavian democracies, or France, or Britain, or of our friendly neighbor to the north, or her sister-dominions in the south seas? It is patently not so. Shall we explain this lack of nerve by some peculiar personality traits that afflict us? I do not believe it. I do think that there are elements in our pioneer traditions which make for intolerance and that these come to the fore when circumstances favor. But the favoring circumstances for our present orgy of unpatriotic patrioteering which has led to these evils seem to me in large degree traceable to the great diffusion of constitutional powers among so many centers of officialdom that power tends to be irresponsibly and abusively exercised. It is no inexplicable accident that a single senator was for years able to so terrorize his fellows as to set in motion a Gresham's law by which nearly all of them felt forced to match, in some degree, his appeal to our least decent impulses. His constitutional position frees him, whenever he wills, from the restraints of party and group ties. His constitutional immunities and his senatorial privilege of debate and committee membership permit him to assert, in such manner as to catch the headlines, any crime against anyone, and to do it day after day and month after month so long as he stays within the confines of his office. Any clever and callous senator can repeat McCarthy's performance in America in any time of great social anxiety, and such times may afflict us for the indefinite future. The only institutional check invented in democracies which can curb or minimize McCarthyism, a disease whose virus lies latent in all nationalistic societies, is that of full-fledged party responsibility. Handicapped by our constitutionally-induced separation and diffusion of power the brave steps taken toward responsible party government are still too short to reach the desired goal.

As we face the kaleidoscope of civic choices which will constantly unroll before us, the quality of our decisions as voters and pressure group members and therefore of the collective civic judgment, hinges upon the quality of the discussion of public questions. The key roll, for most citizens, in this educative process, is played by *political* leaders. Issues will be imposed by events beyond any man's control. But the formulation and popularization of attitudes toward them and the wide dissemination of information about them are *major* functions of political leadership. But when the wills of political leaders are paralyzed and their

judgment corrupted by the mass hysterias which a single headline-hunting or radio-trumpeting demagogue can evoke, time is overdue to look from symptoms to causes. In that search the members of this Association carry the highest moral obligation.

Thus far our collectively-sponsored efforts have been of slight avail, partly because they have concentrated on institutional maladjustments and political practices, which are only the symptoms of more basic constitutional faults. Nor do I think that we have sought to discover, in the most likely comparative experiences, clues from other democratic systems which might provide the imaginative stimuli for adaptations within our own political and constitutional culture. We have particularly neglected, in our research, the constitutional and political experiences of the Canadian and Australian federal systems, though Louise Overacker, in her recent study of Australian federal parties, has revealed much new data which with further exploration might be of great assistance in such a quest.

I would emphasize especially the great potential value of comparative studies of Canada and the United States. We have but one thin comparative work reviewing, as entities, the Canadian and the American political systems, done over 30 years ago and chiefly from the standpoint of the constitutional lawyer. Yet in Canada are some of the most striking social and political parallels to our own society and experiences, even while there is much sharp contrast in basic constitutional arrangements. In the argument about possible parliamentary models for the United States, Great Britain is usually discounted because of its great social differences—its population homogeneity, its compactness, its absence of frontier influences, its inherited class distinctions, its mature labor movement, and its unitary character. But in Canada, outside of Quebec, social characteristics and culture closely resemble our own. Even the Quebec French Catholic culture group affords a political parallel since it, like our South, has developed a seemingly permanent attachment to only one of the major parties in national politics. From our borders came not only the early English-speaking settlers in Nova Scotia and Ontario, but a steady stream of settlers to the prairie provinces and the timbered slopes of the British Columbia mountains. Within the Dominion's continental domain are vast sectional differences with great variations in resources, sharp differences in climate, attitudes, and ways of life. Theirs also has been a history of conquering a wilderness, of seizing nature by the throat and possessing it with a similar disregard for strict legality and public ethics. Their task of creating a nation out of so much diversity and over so vast an area by means of a federal system of government has been a much more diffi-

cult one than ours, even making additional allowance for a start later by three-quarters of a century. Canadian social structure, and the tasks and problems of its government—making due allowance for differences of size, power, and world influence—closely resemble those of our own nation. Here is a situation seemingly made to order to test, so far as this term has any validity when applied to operating constitutional systems, the political and social consequences of a parliamentary federal system in comparison with our own presidential-congressional one.

Some surface indications stand out like gold nuggets as incitations to systematic exploration. Canadian political parties, for example, show many of the traits in nature and functioning to which we are accustomed in our own federal system. Thus, as the 19th century wore to a close, the differences in doctrine, as well as practice, between the Conservatives and the Liberals became as slight as between Republicans and Democrats. These similarities have continued. Yet party discipline in the Canadian Parliament has been even tighter than in Britain. When policy is set by the Prime Minister and his cabinet, his party in the Commons back him with their votes. The social explanation for the lack of sharp divergence between parties which we have come to accept in the United States holds also in Canada. Yet most of the key practices of parties in the processes of government differ fundamentally. Why is this so? We need far more careful *comparative* analysis even though much has recently been revealed by the scholarship of our Canadian colleagues—Brady, Corry, Dawson, Clokie, and Ward. If social structure is the primary determinant of political behavior, how did it happen that in Canada during the last world war the control of prices, particularly agricultural prices, was so much more successful than in the United States? Canada has a greater proportion of rural to urban voters than do we. How came it that Canada, with an economy bound to ours, handled her postwar inflation much more successfully than we did ours? Were there significant differences in the ways of mediating between group pressures in Canada, and were they related to differences in constitutional practice?

A third item suggestive of difference in political behavior induced by constitutional structure is the absence in Canada of our penchant for seeking professional military men as candidates for the highest posts in civilian leadership. Why do they escape this danger to civilian domination of public policy while we, almost alone of all the mature democracies, are continually confronted by its possibility? And finally, how account for the relative absence in Canada of that fearful, vindictive search for scapegoats on whom to vent disappointments over the errors, real and imagined, of national leaders in the late war and the fail-

ure to win an abiding peace and forestall the spread of communism?

I raise these queries as *prima facie* evidence, which careful comparative research might verify or disprove, that constitutional differences do produce differences of large importance in the political behavior of a people. I suspect that the relationships are often indirect, compounded of diverse habits in public expectations as well as the practices of specific political institutions. I believe that careful comparative analysis of Canadian and American politics would be valuable, not because we might be induced to "buy the Canadian model," but for the clues which might be forthcoming in devising modifications for our own constitutional system.

I think we urgently need also some intensive psychological-political studies of the tendencies inhering in the presidential office (surrounded as it is with its contradictory elements of independence and congressional check-mate), and of the leadership behavior of men holding this great office in crisis times. Why, for example, did Woodrow Wilson, whose lifetime of study of the American government gave him unrivalled knowledge of its history and structure, whose conceptions of presidential leadership were untainted by depreciation, fail so completely and at such tragic cost in the winning of the peace? Did the constitutional position of the presidency amplify his personal inclination to self-sufficiency? Did the separation of powers enhance the irreconcilability and irresponsibility of the senatorial opposition, while at the same time inflating the stubborn ego of the President? Did elements of constitutional structure exacerbate unsuitable traits of character on both sides of the contest in this whole tragic episode? Is the process of presidential colleague-ship and of advice-taking affected significantly by constitutionally-induced impulses or handicaps? Is there something in the nominating and election processes for this greatest office which tends to mistake personal eminence for great talents of political leadership? Behavior studies of the presidency should be matched by comparable analysis of the "Prime Ministers and Company"—Borden and Bennett, Laurier and King, Churchill and Atlee, and their ministerial associates. If we carefully combed the biographical literature of these men and their associates in politics we might discover whether the political relationships induced or impeded by constitutional structure and practice showed particular tendencies affecting (1) the quality of their training for political leadership or (2) the effectiveness with which leadership was expressed in reaching decisions, in educating the public, and in persuading the constitutional organs which express the national will. How do the differences in organizing and institutionalizing leadership of the opposition affect presidents vis-à-vis prime ministers? We

have numerous glib generalizations in the texts, but what does the process of interaction look like when examined in detail and what does it seem to produce in political behavior tendencies? Does it permit the correction of error by informed, cogent criticism or do decisions win acquiescence through default of responsible opposition leadership? These are a few of the questions upon which we need much more light before we may unseat hunch and intuition as determinants of some of the most important judgments about constitutional systems of government.

I find myself in 1955 still believing that constitutional structure is important in the democratic government of men, but less sure than in 1910 about how that importance will manifest itself. I am very much less sanguine about the free interchangeability of comparative institutions among peoples, even within the area of our Western culture. Despite the great improvements in the American constitutional scheme I am, at best, agnostic about Professor Anderson's eloquent statement of conviction. But to argue this has not been my purpose. Whatever its degree of perfection, it seems clear to me that our system should be markedly improved.

I believe that our own Association should authorize the creation of a committee and free it, despite the prospect of ensuing controversy, to explore carefully the character of such piecemeal amendments to our constitution as might adapt it more certainly to the tasks and needs which press upon us. Could a "package" of amendments and statutory changes be devised which would provide greater promise of responsible teamwork in the great decisions of public policy, and their fulfillment, than our institutions and practices now afford? What traditional attitudes and expectations of the electorate must also be replaced or modified if such legal and institutional revisions should succeed?

In closing, let me confess that to have watched the processes of government in the half-century since my youth, has wiped away a good many adolescent illusions about the ease and certainty of human self-mastery. It may be that all the constitutional contrivances mankind might invent will be of no avail in the effort to achieve peace and well-being for the human race—that man's modicum of rationality, wisdom, and self-control may not suffice. But that dire possibility does not foreclose the opportunity for victory. It should not palsy our effort to expand the role of reason, humane feeling, and collective self-control for these transcendent purposes. We, of all professions, have the greatest moral obligation to continue the unswerving enlistment of our minds and hearts in this grand enterprise.

PRESIDENCY AND LEGISLATION: PLANNING THE PRESIDENT'S PROGRAM

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Early in 1954, President Dwight D. Eisenhower presented to the Congress—and the country and his party—some 65 proposals for new legislation, over and above appropriations.¹ This presentation was a massive affair. First came six weeks of well-publicized preliminaries: cabinet deliberations, congressional briefings, press conferences, and a fireside chat. Then, in three annual messages to Congress—a State of the Union Address, a Budget Message, and an Economic Report—the President set forth his bundle of proposals, elaborating certain aspects, outlining the rest. Along with these came seven supplementing special messages, each filling in details on some particular: Taft-Hartley, farm price supports, social security, health, housing, atomic energy, foreign aid, and trade. And following the messages Administration-approved bills, conveyors of the ultimate details, were introduced in Congress.

Throughout, one theme was emphasized: here was a comprehensive and coordinated inventory of the nation's current legislative needs, reflecting the President's own judgments, choices, and priorities in every major area of Federal action; in short, his "legislative program," an entity distinctive and defined, its coverage and its omissions, both, delimiting his stand across the board. And—quite explicitly—this stand was being taken, this program volunteered, in order to give Congress an agenda, Republicans a platform, and voters a yardstick for 1954.

Thus, one year after his inaugural, Eisenhower espoused a sweeping concept of the President's initiative in legislation and an elaborate mechanism for its

¹ The exact number of these Eisenhower proposals was computed differently by different observers depending on varying definitions of what constitutes a separate item. Thus Peter Edson cited the figure 110 (*Washington Daily News*, July 14, 1954), while Cabell Phillips wrote of "over 200" (*New York Times*, May 30, 1954), and *Congressional Quarterly* reported a total of 214, reached partly by counting separately each point in the Administration's agriculture recommendations.

The writer prefers to count separately only those proposals, or groups of related proposals, which would normally be enacted and/or considered in separate bills. Exceptions are made where—as in the case of public housing, for example—the conventions of publicity and politics very sharply differentiate items incorporated in the same bill. It is on this basis that internal Executive Office status reports on the President's program are now compiled and have been in the past. Note that the total of 65, cited above, excludes not only appropriation requests, as is the general custom, but also international treaties and conventions subject to Senate ratification and those few agency proposals not called for in a presidential message but cleared in bill draft form by Budget as "in accord with the President's program" (which under present practice means *specifically* approved by the White House for addition to his program list). Both of these latter categories are included in Executive Office status reports which now circulate on the Hill and therefore may have been the basis for some press compilations.

public expression; developments which no one seemed to take amiss. Both in governmental circles and in the press, the whole performance was regarded almost as a matter of course, a normal White House response to the opening of Congress. The pattern, after all, was quite familiar; the comprehensive program expressed in ordered sequence, with some sort of publicized preliminaries and detailed follow-up, had been an annual enterprise in Truman's time. Indeed, while Eisenhower had undoubtedly improved upon the earlier mechanics, his 1954 procedure seemed expressive less of innovation than of reversion to accustomed practice. In 1953, he had been criticized in many quarters for failing to produce a defined program of this kind; now that "failure" was made good, a general expectation satisfied in the "customary" way.

Customary, perhaps; yet as recently as 1946 an informed observer had remarked, accurately enough, on the "absence of cohesion in the legislative program of the chief executive—absence, in fact, of a program clearly designated as such."² Presidential reports and recommendations to Congress were as old as the Constitution; presidential sponsorship of specific measures, highlighted in special messages and spelled out in Administration bills, had been a commonplace in Franklin Roosevelt's time and by no means unknown much earlier. But the elaborate paraphernalia of a comprehensive and specific inventory, contents settled and defined as regards substance no less than finance, *presented in detailed fashion and packaged form at the opening of each session of Congress*—this was a "custom" scarcely nine years old, a postwar phenomenon evolving under Truman and now carried forward under Eisenhower.³

Here is an institutional development of no mean proportions, with a great preparatory effort obviously involved in advance of every session. Three questions are suggested: First, currently, what are the mechanics of this program preparation; how is the job done and by whom? Second, historically, what gave rise to such institutionalization in the postwar decade; how did it evolve and how did it survive the change of Administration? Third, prospectively—and speculatively—what may the whole development imply regarding powers, opportunities, of President and presidency in the legislative process? This

² V. O. Key, "Legislative Control," in F. Morstein Marx, *Elements of Public Administration* (New York, 1946), p. 351. Lest semantic difficulties arise, note that the term presidential "program" as used throughout this paper connotes the comprehensiveness, specificity, and defined boundaries characteristic of contemporary annual presentations in the legislative sphere. This is the current connotation of the term within the government (and quite generally in press reports). As such, this is a term of art, to be distinguished from the looser usage long employed by scholars, journalists—and Presidents themselves—to cover legislative issues with which particular Presidents somehow became identified, pro or con. In the latter sense, of course, there have been presidential "programs" since Washington's time, notably under the "strong" Presidents.

³ Note that the Eisenhower program presentation of early 1955 to the first session of the 84th Congress followed the pattern of 1954, despite the change in party control of Congress. During January and February, 1955, three annual and nine special messages, all interlocking, conveyed a defined, comprehensive, relatively integrated legislative program from President to Congress, buttressed in most instances by specific Administration bills. The message on Formosa, January 25, was, of course, a thing apart.

paper attempts answers to these questions; its starting point is the making of the Eisenhower program of 1954.

I. PREPARING THE EISENHOWER PROGRAM OF 1954

"The presentation of a legislative program," wrote Truman in his farewell message to the Congress, "falls properly to my successor, not to me . . . and I would not infringe upon his responsibility to chart the forward course."⁴ This was easier said by the outgoing President than done by the incoming, with his first Congress already in session (courtesy the Twentieth Amendment). In 1953, for the first time in years, there was no "legislative program," no charting of the course in the specific sense conveyed by Truman's words and prior practice.

At the outset, Eisenhower did present to Congress his own report on the State of the Union, but he chose throughout that address to keep most of his legislative references general to the point of homily.⁵ The new regime, while reducing appropriations requests—as in the case of the Air Force—forebore to present a complete new budget document and message; while revising some economic policies—as in the case of credit and controls—it attempted no new Economic Report. During the spring of 1953, a number of Administration stands on legislation were developed and expressed, piecemeal, in special messages or bills, or both. But for the most part these encompassed only inescapable necessities—like foreign aid, taxation, reciprocal trade—where scheduled expirations of authority forced the presidential hand. More characteristic were the surveys, investigations, and study groups brought forward by the President or his subordinates in lieu of action recommendations on numbers of great issues, foreign and domestic.⁶

What accounts for this lack of firm programming in the congressional session of 1953? Wherefore the failure to exploit, in action terms, the President's election victory at this, his surest time of legislative honeymoon? Ultimate explanations wait, of course, on the historians. Meanwhile, two tentative answers, superficially opposed, may be suggested here. On the one hand, note the circumstances of the new regime's accession to its seats of power in the White House and the great departments—and the Republican party. Looking back on early 1953, a White House aide remarked in private conversation:

We were prepared before inauguration only for the budget [cutting] drive and some exec-

⁴ State of the Union Message, Jan. 7, 1953. This principle was followed also in the 1953 Economic Report and Budget Message (conveying the fiscal 1954 budget), which Truman submitted to Congress just before leaving office. With minor exceptions, these two messages carried no recommendations for new legislation.

⁵ Address of Feb. 2, 1953.

⁶ No less than 14 such surveys, undertaken with either executive or congressional authorization, were listed as matters of direct presidential concern and sponsorship in a special appendix to the authoritative Executive Office report on the status of "presidential measures at the close of the first session of the 83rd Congress." Bureau of the Budget, Office of Legislative Reference, "Legislative Status of Recommendations of the President, 83rd Congress, 1st Session (excluding Appropriation Requests)," Final Report, Aug. 8, 1953.

utive reorganization, especially in the military. It would have been impossible to plunge into a full program the first session [of the 83rd Congress]. The Cabinet people had to learn their way around and get settled in . . . the staff here had to learn the issues . . . and a lot of these things go back to the year one. . . . And the President had to lay a groundwork of personal acquaintance and persuasion on the Hill. Our people up there expected him either to push them around or lie down and be walked on. Neither one! Instead, he has made every effort to reach out, get to know, seek personal contact. . . .⁷

In these terms, program gaps become by-products of the "newness" of the Eisenhower "team"; an explanation reinforced when one recalls the time squeeze of the Twentieth Amendment together with such matters as the learning problems of a Charles E. Wilson, say, or the predominance of Taft men among the Republicans in Congress—or, for that matter, the preeminence of Senate leader Taft himself. Of course, this implies that a full-scale program presentation was consciously intended from the start, then deliberately—indeed necessarily—postponed in 1953, while education and persuasion had their day. "We always meant to have a program," said this same White House aide, "but these other things came first."

On the other hand, no such symmetry of purpose and postponement was publicly avowed in 1953; nor easily to be read into any signs and portents then emanating from the White House. Quite the contrary; this was the time when numbers of old Washington hands of both political persuasions in press corps, Congress, and the agencies explained the lack of program in terms of a fixed presidential policy stemming from some basic attitudes attributed to Eisenhower: a distaste for his predecessor's overt—and combative—exercise of the initiative in legislating; a feeling that to Congress, not the President, belonged the overt lead; an impulse to break sharply with the past by demonstrating presidential adherence to "proper" principles of "balance" between branches (or at least between the Republican President and "Mr. Republican" in the Senate leadership). These—or something like them—may, in fact, have been the President's own fixed beliefs; alternatively, their dissemination in that guise may have been engineered deliberately as an aid to "persuasion." Conviction or gambit or a blend of both—one cannot know from the outside.

But whatever Eisenhower's personal position, there seems no doubt that certain members of his entourage were then distinctly predisposed against a comprehensive program presentation along anything like Truman's lines. "We always meant to have a program," appears a considerable overstatement, at least if "we" refers to the whole White House entourage in 1953. Conciliating Congress was the order of the day; by some, apparently, this was interpreted as *not* doing whatever Truman might have done. Moreover, some of the new White House aides appear to have been seriously concerned about the constitutional proprieties; others disturbed about the range of Democratic interven-

⁷ A comment made to the writer in the spring of 1954 during one of a number of interviews with members of the White House and Budget Bureau staffs, and with certain agency and congressional officials and Washington reporters. These interviews were conducted in March and May, 1953 and in April and December, 1954. The information presented in this section is drawn principally from those sources. Judgments and interpretations are, of course, the writer's own.

tion in domestic spheres; still others doubtful of the need for further emphasis on lawmaking, *per se*. Such attitudes as these add up to general bearishness toward widespread volunteering of firm presidential stands on current or prospective legislation—especially when controversial. “Let Congress struggle with it; keep us out.” Here was, reportedly, an often-sounded White House theme through most of the first session of the 83rd Congress.⁸

Yet scarcely five months after that session’s close, there came the Eisenhower legislative program of 1954. Whether as an outcome of deliberate plans, or of changed attitudes, or both, this represents a distinct alteration in approach from one session of Congress to the next. How did it come to pass? How was the newness tempered, the bearishness reduced, the program put together?

In May, 1953, the Bureau of the Budget sent to the multilith machines—in preparation for June 30 distribution—its annual call for estimates from Federal agencies, in this case for fiscal 1955. Included in that document as an instruction to each agency was Section 86, entitled “Legislative Program”:

A statement will be submitted [by September 15] describing the preliminary legislative program of the agency for the forthcoming session of Congress. This statement should include *all* items of legislation [other than appropriations] which the agency contemplates proposing during the ensuing twelve months. . . .

The statement should be in three parts:

1. Those items in the President’s legislative program which have not yet been enacted . . . limited to proposals . . . specifically identified by the President as a part of his program, or specifically held [by Budget through central clearance] to be “in accord with the program of the President.”
2. Legislative proposals not included in part 1 . . . which would cause no increase in budgeting requirements.
3. Legislative proposals not included in part 1 . . . which would cause an increase in budgeting requirements . . . arranged to reflect relative priority among items on the list and also . . . with respect to other portions of the budget. . . .

⁸ It is important to understand that in terms both of backgrounds and of ideologies, the aides whom Eisenhower brought into the White House—and has retained—were a rather heterogeneous group. On the legislative policy and liaison side, they included mainly: Adams, the Assistant to the President, an Eisenhower-before-Chicago man, former governor of New Hampshire and one-term Republican congressman; Shanley, the original special counsel, a New Jersey lawyer and former Stassen campaign manager; Rabb, the present Cabinet Secretary, for years ex-Senator Lodge’s legislative aide; Hauge, the “economic” Administrative Assistant, a Harvard-trained economist and McGraw-Hill editor; Persons, the chief congressional liaison officer, an army careerist and long-time head of Army’s legislative liaison (highly regarded as such, by the congressional oligarchs of both parties with whom it had been his job to smooth Army’s path); and Persons’ three original assistants—Morgan, a Washington lawyer, former Taft consultant, and long-time member of the House Office of Legislative Counsel; Harlow, former staff member of the House Armed Services Committee; and Gruenther, the General’s brother, Senator Wherry’s former secretary. For purposes of the 1954 legislative program, there should be added to this list the Chairman of the Council of Economic Advisors, Arthur M. Burns, Columbia economist at the time of his initial appointment to the Eisenhower entourage; also Robert Cutler, then Special Assistant to the President for National Security Affairs and Chairman of the NSC Planning Board, a Boston banker and one-time CIA representative on the Planning Board’s precursor, the Truman-era Senior Staff; finally, I. Jack Martin, Senator Taft’s former assistant, who joined the Persons group after Taft’s death.

With respect to each item of proposed legislation, this statement should set forth (1) the subject matter . . . together with a summary statement of the objectives . . . and the need . . . (2) the state of readiness of legislative drafts and other supporting material; (3) a reference to the numbers of pertinent bills and . . . reports [in recent sessions] . . . together with a brief appraisal . . . (4) a forecast of both the appropriations and the expenditures required . . . and (5) the names of other [interested] departments and agencies. . . .⁹

This language was identical with that included in the 1952 call for estimates issued a year earlier before the close of Truman's term. Indeed, section 86 and its requirements had been a feature of each Budget call since 1949. Their renewal in 1953 marks not an Eisenhower innovation but a bureaucratic continuum, an attempted restoration of routines, an action taken on the Budget's own initiative without advance assurance as to either agency response or ultimate White House reaction.

This was a venture with no guarantees attached; it was, however, something more than a leap in the dark. The Budget Bureau's renewal of section 86 was powerfully reinforced by two other acts of initiative, one preceding, one following preparation of the new call for estimates.

The first of these involved the agencies. As early as January, 1953, the new Budget Director, Joseph M. Dodge, had corralled cabinet colleagues, one by one, for orientation briefings by his career aids. In a number of cases these sessions were held even before Inauguration Day, providing several cabinet members-designate their first glimpse from inside into the complexities of their new assignments. And at each briefing Budget staffers took occasion, with Dodge's assent, to inform the department head about "his" legislative program (compiled the preceding fall), its existence in form and fact, its usefulness for orientation, its potential for planning and control, its liability to renewal on Budget's call.¹⁰

Thereby, a piece of left-over machinery idling in the departmental depths was impressed on the consciousness of new department heads at a uniquely favorable moment. This had its due effect; by late summer 1953, when lower-level bureaucrats began preparing agency responses to Budget's new call, their

⁹ Budget Circular A-11, "Instructions for the Preparation and Submission of Annual Budget Estimates," June 30, 1953, Sec. 86. This section also called for an indication of the "nature and status" of legislative items under discussion but not yet in firm program stage and for a report on all provisions of law "of interest to the agency" scheduled for expiration in the coming year. Note that this section has remained a feature of the Budget's calls for estimates in 1954 and 1955.

¹⁰ An earlier article has noted the importance of Dodge's personal role in carrying the Budget Bureau's legislative staff work through the 1953 transition from the old to the new regime. Here is another demonstration of the point. Given the White House attitudes outlined above, Dodge might well have chosen to let cabinet officers discover for themselves and make what they chose of legislative programs inherited from their predecessors. Instead he chose to impress legislative clearance regulations generally, and legislative programs in particular, upon the new department heads at this first advantageous opportunity. See Richard E. Neustadt, "Presidency and Legislation: The Growth of Central Clearance," *this REVIEW*, Vol. 48, pp. 641-71, at pp. 655-56 (Sept., 1954).

top superiors, in almost every case, were reasonably well acquainted with the departmental "program," quite acclimated to its presence as a fact of departmental life, and quite prepared to oversee its renovation and renewal in advance of 1954.

Meanwhile the Budget had taken a further act of initiative, this time involving the White House. Early in July, 1953 President Eisenhower had voiced some concern about means to bring together, well in advance, data and suggestions for his January, 1954 State of the Union message. Budget aids were asked to brief him on his predecessor's practice; they took the opportunity to urge some White House recognition for the programming requirement in Section 86 of the new call for estimates. In Truman's time it had been customary for the President to write each agency in early autumn, requesting message data and, at the same time, reiterating over his own signature the main terms of section 86. Message and program requests had long been joined; that was made clear to the new President.

The result was an identical letter to each cabinet officer over Eisenhower's signature and bearing signs of his own dictation. Dated July 30, 1953—a month after formal issuance of Budget's call—the letters asked for substantive ideas appropriate to the State of the Union Message, these ideas to be based on a "thorough rethinking of the mission of your department and the . . . means to achieve it." And, quite explicitly, that review was to "complement attention you are giving the 1955 budget and the formulation of a carefully planned, specific legislative program."¹¹

If there were any doubts remaining at top departmental levels about the propriety—and the priority—of Budget's legislative call, this missive from the President appears to have resolved them. By mid-September, 1953, agency legislative programs were flowing to the Budget. By early October, departmental message memoranda were en route to the White House, many of them referencing or appending these programs to concretize suggested points of emphasis. The President had called for a "thorough rethinking." Here, in this double-barrelled presentation, was the visible response.

Cumulatively, it was an astonishing response, at least to those White House staffers disinclined toward executive initiatives in legislation. For here were departmental declarations of intent to sponsor literally hundreds of measures

¹¹ Reportedly the first draft of these letters was written largely by the President himself, at his volition, as a personal adaptation and improvement in his terms of the prior procedure on which he had been briefed by Budget. The mechanism of formal letters and their referencing of budget and legislative programs seem to have been direct outgrowths of that briefing. On the other hand, the call for a "thorough rethinking" appears to reflect Eisenhower's personal views on a paramount duty of his Administration, a duty stated in most unbureaucratic language in the opening paragraph (not quoted above). That opening language designedly lent a personal flavor to the whole proceeding, a flavor emphasized by subsequent presidential references in cabinet meetings. Note that non-cabinet agencies were approached in a briefer, much less personal vein, receiving requests over Sherman Adams' signature, dated July 31, 1953, for any "ideas appropriate for the State of the Union message."

great and small, *most of which the President was being asked to make his own by personal endorsement in a message*. And among these were dozens of proposals, espoused now by one or another of Eisenhower's own department heads, closely resembling—in general purpose, if not always precise form—predecessor measures urged in Truman's time and bearing then a Fair Deal label: an expansion of social security, an increased minimum wage, a revision of immigration laws, a broadening of unemployment compensation, and many more. Mostly these represented improvements in going programs long advocated by career administrators (and their clientele) to modernize or clarify the application of public policies in their charge. Agency legislative programs in 1953 were not sheer replicas of those in 1952 and earlier—some items were stricken, others added, still others revised—but their content makes plain that mixed with the rethinking from on high was a good deal of educating from below.

For eight years past—save only 1953—there had been a presidential charting of the course in Truman's terms: an executive inventory of specifics (agenda and yardstick both) for action by the Congress. Now, in October, 1953, these agency submissions forecast that some such executive charting would be done in 1954—if not by Eisenhower comprehensively, then by his cabinet members piecemeal; if not in his name, then in theirs. At his own invitation they had defined their ambitions, drawn their plans, and these now turned out to encompass controversial innovations of national concern, inextricably involving the President's position and prestige. Were he therefore to influence scope, scale, priorities, and presentation, he needs must act upon their requests for endorsement, thereby asserting his own role in program-making, *his* plans, *his* charting of the course as against theirs.

The implications were not lost for long upon the presidential staff.

Within the Budget Bureau—whose initiatives had helped bring matters to this pass—the disposition was to move no further without guidance from the White House. During October and November, 1953 Dodge forebore to channel departmental legislative programs into the main stream of estimates review. Instead the budgeteers concentrated upon going operations, leaving proposed legislation in the air for last-minute juggling independently of the balance of the budget. This was precisely what section 86's call for agency programs purported to avert, but Dodge displayed no interest in asserting *for the budget process* title to the task of reconciling the regime's first-session legislative stance with the logic of the situation these created. Having made certain that the issues would be posed, he was content to let others take first crack at them—this, anyway, under the special circumstances of 1953.

Within the White House, on the other hand, there was no escaping action upon agency submissions. By mid-October it was generally conceded that whatever major issues they might raise would have to be acknowledged in some form or fashion—negatively, at the very least—by or before Eisenhower's annual messages. This necessitated first of all a close look at the contents of the pile well in advance of message preparation. And by early November, such examination was preoccupying half the members of the White House entourage.

Their initial "look-see" became a rather elaborate affair. Under the aegis of the Assistant to the President, Sherman Adams, with his deputy, Wilfred E. Persons, and the then Special Counsel, Bernard M. Shanley, actively in charge,¹² anywhere from six to ten members of the entourage—depending on subject-matter—joined in an item-by-item review around the conference table; over a two-week period this involved some 12 meetings of two to three hours apiece.¹³

At the outset, the purpose of that exercise was educational. Every White House aide with any role to play in policies or tactics on the legislative side had a stake in developing the staff's position upon agency particulars; hence the collaborative conference approach. But up to that time none but Shanley had been exposed to the substantive aspects of anything like the range of measures reached by agency programs—the result, in his case, of nine months' contact with the Budget's legislative clearance work, especially on enrolled bills¹⁴—and now he and his colleagues faced a welter of substantive needs and remedies presented by the agencies, with antecedents tracing back, in the already quoted phrase, "to the year one." In consequence, these conferences assumed the aspect of a cram course on the issues, a guided tour through the past histories of agency proposals.

The guide in this case was Roger W. Jones, career chief of the Budget Bureau's Office of Legislative Reference, control center for legislative clearance. Jones took as his text a checklist of almost 300 "major" proposals, culled mostly from agency programs, and these were systematically reviewed in subject-matter groupings as staff sessions proceeded.¹⁵ In each case it became Jones' role to sketch pre-history and pros and cons, both substantive and tactical, in "institutional" terms, leaving policy judgments and partisan aspects for his hearers to argue out among themselves. "There came about," he later recalled, "almost a fierce dedication [on the part of White House staff] to keeping me in the role of telling both sides of the story." Given the staff's spread of interests and attitudes, some of those stories sparked a great deal of question-raising and discussion. That the process was educative, there seems to be no doubt.

This seminar approach tended to generate its own next steps. As key problem

¹² General Persons had originally been appointed Special Assistant to the President for legislative liaison rather than Adams' general deputy, a change in designation (and to some extent in role) which took effect after the close of the first session of the 83rd Congress. Early in 1955 Shanley left the post of Special Counsel to become Appointments Secretary and was succeeded by Gerald Morgan, one of Persons' original assistants.

¹³ Participants were drawn mostly from among the staff members listed in note 8, above. Hauge and Burns, for example, attended all sessions involving matters of "economic" significance, which included virtually everything in the social welfare field.

¹⁴ See Neustadt, *op. cit.*, pp. 666-67.

¹⁵ Agency legislative programs, message suggestions, and lists of expiring legislation, supplemented by Jones' informed guess-work, provided the field from which items were selected for this list. See "Checklist of Major Proposals for the 93rd Congress, 2nd Session," Bureau of the Budget, Office of Legislative Reference, Nov. 1, 1953.

areas emerged from the discussion, particular aides took up *ad hoc* assignments to dig deeper and report: checking Jones' version of the facts, sounding departmental attitudes and conflicts, judging congressional and "outside" opinion, and generally feeling out what open issues—substantive, or tactical, or sheer mechanical—remained for resolution in each case. These preliminary inquiries were not confined exclusively to items in agency programs or on Jones' list. Several matters raised within the White House were researched in this fashion at this point. (Some of them ultimately found their way into the President's January program, *e.g.*, voting at eighteen, and loss of citizenship for Smith Act violators.)

In terms of the advices thus obtained, the White House staff group turned next to determining by what means necessary steps toward resolution should be taken. At this stage there was a good deal of checking with the President. As a result, certain proposals simply dropped out of sight, at least for 1954; others were assigned to staff members for handling with the agencies and ultimate informal presentation to the President; still others were allotted to the Budget for handling and presentation alongside departmental estimates; finally, a number of complex and controversial measures, high in policy and partisan significance—among them social security, taxation, agricultural assistance, foreign aid—were earmarked for formal presentation to the cabinet (or alternatively, the National Security Council) by the sponsoring department head.

These cabinet presentations—which grew in number as the first experiments succeeded—were a striking feature of the preparatory effort on the 1954 program. Procedurally, they ran about as follows: first, each cabinet officer concerned was asked to ready a comprehensive visual presentation explaining and justifying his proposals in detail. Next, this presentation was tried out before the White House staff group (Jones still included), these "dry-runs" giving staff an opening for criticism or advice on both substance and presentation-technique. Finally, when the staff was relatively satisfied—and the President briefed accordingly—a full cabinet session was convened, the formal presentation made, discussion held, and general concurrence invited. (It was forthcoming in each case, accompanied sometimes by alterations of detail.) All told, there were some seven such full-scale presentations in the last week of November and the first two weeks of December, led off by what staff aides termed a "magnificent performance" in the social security field.¹⁶ On each occasion Eisenhower was in the chair, not merely presiding, but actively participating; his questions, suggestions, and advice sparked most of the changes made.

This formalized proceeding had been improvised by President and staff, perhaps less out of abstract deference to the cabinet, *per se*, than as a concrete response to immediate felt needs arising in the course of program review. By this means it was hoped to check and test not alone substance, but also the sell-

¹⁶ Note that the Cabinet Secretary's present duties of agenda preparation, decision minuting, and follow-up first took contemporary form as an outgrowth of these presentations.

ing-power of proposals and the status of their packaging for sale, each presentation being taken as a test of departmental readiness to go up on the Hill in what for many cabinet members would be their first full-scale approach to a legislative committee. By this means it was hoped as well to gain commitments at the cabinet table on which Budget could base effective interagency coordination of actual bill drafts and testimony; hoped, also, that the formal circumstances of their giving would help to keep commitments green in cabinet memories through the spring; hoped, finally, that exposure to each other's plans and problems would combat members' tendencies toward "parochial" views.

Education was the order of the day. And as an educative venture, in these several respects, this cabinet mechanism proved a handy instrument, producing results satisfying, on the whole, to its initial sponsors. "We never could have got as many things done half as well, in any other way," remarked a White House aide, "... those cabinet members put a lot of effort into this and it paid off. Besides they were floored by each other's presentations . . . and also by the chief's own grasp, and interventions, and ideas. . . . The whole effect was very good." Of course, one's needs and circumstances change with time. This venture was conceived and carried out by a new regime facing its first annual message season. A year later preparation of the 1955 program was marked by rather less wide-ranging cabinet consultation.

In the course of these various proceedings late in 1953—staff reviews, presidential briefings, cabinet presentations, and attendant negotiations—the White House grew increasingly committed to an Eisenhower legislative program, the more so as its practicable scope and character came clear. By the end of November there was no longer any question that a program would ensue, or that it should appear in annual messages, or that it should be at once comprehensive and concrete. Amidst the concentration on specifics, these things came to be taken for granted. In part, this is attributable to the sheer momentum of those staff and agency proceedings once started on their way. In part, it seems related to the intra-party power struggle in which Senator McCarthy had engaged with increasing directness since the death of Senator Taft the preceding summer. On December 2 and on December 16 the President at press conference took pains to assert that his own forthcoming program, *not* McCarthy's chosen issue, would measure Republican performance in the election year of 1954; this hard upon the Senator's press statements to the contrary.¹⁷ The presidential program, once, perhaps, a questionable undertaking or a necessary chore, was now become a prime political imperative, its relative readiness a godsend, one expects, to the regime.

In this context, the work of program preparation was carried toward completion through the last weeks of December, traditional peak-period of message season. With some significant exceptions, most substantive decisions had been taken by the middle of that month. But other tasks were still far from com-

¹⁷ For the Eisenhower and McCarthy comments, respectively, see *New York Times*, Dec. 3, Dec. 17, and Nov. 25, 1953.

plete: transforming the decisions into messages and bills, and "warming up the customers" before their presentation. These tasks now took the center of the stage.

On December 17, 18, and 19, 1953, Eisenhower formally unveiled his program to the Republican congressional leadership, in an unprecedented series of carefully staged briefings at the White House. With the President presiding, these ran a full eight hours daily, covering a subject-matter agenda fixed in advance and rigidly enforced from the chair. The Vice-President, the Speaker, the Majority Leaders, and the Whips were in attendance at all times, as were most members of the cabinet and the White House entourage. Committee chairmen and their ranking (Republican) associates participated when their subjects were discussed, arriving and departing on a pre-determined schedule; so did a number of executive officials below cabinet rank. In deference to Eisenhower's own communiques, issued each afternoon, and honoring his personal request, those moving in and out avoided detailed comment to the press; thereby, the White House got ideal publicity in presidential terms—headlines about Eisenhower and his program but no scoops on particulars.

The briefings themselves followed a set form. Typically, as a subject was reached, the President would open with some appropriate remarks, then call on the department head (or in some cases the staff member) most concerned; the latter responding with what was, in effect, a redo or refinement of his cabinet presentation (or equivalent), complete with visual aids. Everything was visual and oral; no written summaries, much less bill or message drafts, were passed around. Language, it was explained, remained in a preliminary stage, pending these consultations. During the presentation the President himself would interpose a running commentary; at its close he would invite reactions (not concurrence) from the leaders—equally calling time rather shortly, and passing on to the next subject.

In a few instances, the leaders expressed prompt and uniform concern about advancing a particular proposal at the coming session. When this occurred, the President was generally quick to accept their advice and strike the measure. (One senses that some of these may have been paraded for the purpose.) Mostly, however, the legislators looked and listened, with much to absorb, nothing to ratify, and little time for argument. This does not seem to have been inconsistent with the President's intent.

The White House did not ask that they approve. It hoped, however, that they would be impressed by what was set before them. A prime purpose of the whole affair was education, once again; this for good reason and, apparently, with good results. "Most of the people from the Hill were dazzled, very much enthused," reported an *executive* observer of these gatherings. "Some of them discovered things they hadn't known about the President . . . he was fast on his feet, and on top of the issues . . . very quick and very shrewd . . . a lot of people realized that for the first time. And then it turned out that his program had real substance and real saleability . . . something they could really use . . . packaged and ready . . . a very great attraction and they weren't prepared

for it . . . they were bowled over by it. . . .” Or, as a Democratic congressman remarked, “I wasn’t there and I don’t know, but [Speaker] Martin and [Majority Leader] Halleck came out and told the press they were behind the ‘program’ and would push it and they really must have meant that—just look at the record. . . . Certainly they got religion somewhere; maybe there.”¹⁸ Of course the chances for and profits from such formal education grew out of particulars of time and situation. A year later, Eisenhower’s 1955 program was previewed for the leaders in much less elaborate fashion—consisting mainly of a presidential listing, on successive days, to the majority and minority leadership—partly, of course, because it was to go before a Democratic Congress; partly, perhaps, because its (prospective) main *new* features—aid to Asia, schools, and roads—were nowhere near “packaged and ready” by, much less before, the time Congress convened.¹⁹

Less than three weeks intervened between these leaders’ meetings in December, 1953 and the President’s State of the Union address to Congress; it was a busy season for the message drafters. In policy terms there was by this time little left to be decided, but the contents of the several messages remained to be coordinated, their relative scope and coverage fully defined, specific drafts agreed upon—or, indeed, written—and final language snarls worked out. In carrying these matters forward, actual drafting of the Budget Message was left largely to the Budget Bureau, the White House checking mainly general tone and precise wording of concrete proposals. Similarly, drafting of the Economic Report remained largely in the hands of the Economic Council chairman, himself a prime participant in earlier staff consultations. But for the psychologically most important annual message, the President’s personally delivered State of the Union address, the drafting was from first to last a White House undertaking.

Initially, the work on that address was done by members of the Persons-Shanley staff group—utilizing agency submissions where they could—with Bryce Harlow, a “speech and message” Administrative Assistant, as rhetoric expert and editorial coordinator.²⁰ When it came to elaboration of particular proposals, a tentative division of responsibility had been planned in advance

¹⁸ Another comment worth quotation came from a one-time Truman aide with long experience in matters legislative: “That conference with the leaders seems to have been a good show. Perhaps ‘we’ should have tried something like it. I wonder, though, if anyone could have gotten the comparable *Democrats* to sit still in the White House for three days.”

¹⁹ Regarding the 1955 program, Eisenhower met with the prospective minority (Republican) leadership December 13, 1954 and with the prospective majority (Democratic) leaders the next day. These meetings, relatively *pro forma* in character, followed by six weeks the mid-term elections of 1954.

²⁰ Harlow, a former House Military Affairs Committee aide, has functioned more recently as an additional Persons assistant on the legislative liaison side; his speech drafting and editorial duties, temporarily assumed in 1953, are now (1955) performed mainly by Eisenhower’s biographer, Kevin McCann, another Administrative Assistant to the President and successor, in effect, to Emmett Hughes, of *Life Magazine*, who functioned in that capacity during the first six months of 1953.

between their product and the other annual messages, *e.g.*, taxes in the Economic Report, postal rates in the Budget Message. Even so, the first consolidated State of the Union draft was so crowded with specifics that it would have taken some three hours to deliver. In consequence, large portions were pulled out to form the first five of Eisenhower's 1954 special messages, his personal address becoming in the end a sort of preparatory note and table of contents for the supplementing documents to follow.²¹

Meanwhile, the departments concentrated on bill drafting in order that each definite proposal conveyed by these messages might be backed promptly by a detailed draft of legislation bearing an Administration label and ready for transmission (formally or not) to Congress. With most policies decided earlier and elsewhere, Jones in Budget's clearance office was enabled to ride herd on these drafts, their preparation, interagency coordination, presidential clearance, and transmission, his priorities keyed to the subject-matter emphasis of the successive messages as scheduled by the White House.²²

Considering the number and diversity of documents involved, both messages and bills, the product of these last weeks' work was remarkably integrated: the messages reasonably consistent internally and with each other; their ambiguities mostly deliberate, not unconscious; their main affirmative proposals packaged in bill form, approved and ready-to-hand. That this was managed by a new regime to whose top echelons each operation was a new experience is tribute partly to the underlying bureaucratic structure and partly to the thoroughness of preliminary preparations—and sheer education—at staff and cabinet levels. In only one respect did final documents display a notable deficiency, or gap, in advance preparations: the logic of requests for legislation sometimes failed to jibe with that of budget estimates for going operations—on the one hand were proposed increments in present powers, and on the other budget cuts in present programs, *e.g.*, grants for hospital construction. The last weeks of December were not long enough, it seems, to synchronize in all respects the results of that separation between budget and legislative planning on which Dodge had determined, not without reason, the previous September.

²¹ See State of the Union Address, January 7, 1954; Budget Message, January 21; Economic Report, January 28; also the special messages carved out of the early State of the Union compendium: Taft-Hartley and farm, January 11; social security, January 14; health, January 18; housing, January 25. Two other special messages, drafted somewhat later, completed the initial program presentation: atomic energy, February 17; foreign economic policy, March 30, this last including the substance of the Randall Committee's recommendations on tariff legislation, as well as the Administration's proposals for further foreign aid.

²² Note one principal exception: Eisenhower's proposals for general tax reductions were not made the subject of a consolidated bill draft cleared by Budget and introduced in Congress prior to and as a basis for committee consideration. Instead, Treasury presented draft language, piecemeal, to the House Ways and Means Committee as a "technical drafting service" in elaboration of the President's proposals preparatory to the framing of a *committee* bill. This is the usual course with tax reductions as a matter of traditional committee preference (not so tax increases, where an Administration bill, as such, is usually very welcome at the start).

But if—with this exception—the documents conveying Eisenhower's program were consistent and coordinated, they were voluminous as well; if the program was coherent, it was also bulky and diffuse, devoid of single focus or outstanding theme. Among the many things proposed to be done, or not done, or held for study, none was so striking as to dominate the rest, while impacts of particular proposals were muffled by sheer numbers and diversity. And style of presentation did nothing to make up the lack; the messages were basically compendia, high in plain exposition, low in excitement.

Neither by content nor tone were documents like these well suited to the task of dramatizing for the country and his party the President's own personality and purposes. Yet if there was but little drama in the messages themselves, there was, perhaps, much to be gained by focussing attention on their presentation as a collectivity, seeking dramatic impact in the sheer fact of "program," aside from the nature or the statement of its parts. To this the White House—President and staff together, it appears—devoted a great deal of thought and care during December, 1953.

In the five weeks before the State of the Union address, there emanated from the White House a steady stream of press communiques and dope stories concerning the program's preparation. Specific plans were guarded rather carefully—the aim, no doubt, to generate suspense—but generalized official comments on the special cabinet sessions, and in particular the legislative leaders' meetings, were arranged and facilitated by the White House press office with all the fanfare usually reserved for first-rank international conferences.²³ After the conclusion of those meetings, December 19, the President removed to Georgia over Christmas, whence came almost daily stories of last-minute conferences on the impending messages with officials flown down from Washington. On January 4, 1954, all this was capped by a radio and television address to the nation, in which Eisenhower plugged his program and urged everyone's attention to its imminent unveiling. In dramatic appeal this discourse was scarcely an unqualified success; trying to reach the country in the evening hours without depriving Congress of its first crack at details, he avoided scooping his congressional address at the expense of over-generalizing. Nevertheless, the notion that something portentous impended, Eisenhower's own, received top billing once again in newscasts and the press.

On January 5, the President met minority legislative leaders at the White House for a courtesy preview of his recommendations; thereby the press got one last "program" story before the opening of Congress. Then on Thursday, January 7, came the President's State of the Union address to the Congress, another radio and television presentation, if at noon. There followed on three successive Mondays and Thursdays no less than seven of his supplementing messages, spaced for optimum press play and in a sequence obviously intended to strengthen the impression of a vast executive creation, highlight its most generally appealing features, blur the rest: Taft-Hartley and farm messages

²³ See especially the official White House communiques and participants' statements to the White House press corps during and after the three-day meeting with the Republican congressional leaders. *New York Times*, Dec. 18, 19, 20, 1953.

sent up at the same time on the same day (with a Korean defense treaty sent the Senate simultaneously); social security, health, and housing messages each featured in a separate package on a separate day; housekeeping and limited-interest requests buried by the dozen in the Budget Message; tax reduction dominant in the Economic Report.

All this elaborate staging for the 1954 program was in its way no less an educative effort than the cabinet and legislative leaders' presentations which had gone before. Like them it was improvised to meet the special needs and opportunities of the regime's first venture into legislative program-making; like them it was to be reduced in scale—of buildup, not of messages—the following year. All three were quite distinctly first-time undertakings, each aiming to inform and to convince a different audience of propositions which would hardly need such emphasis a second year: that Eisenhower had assumed a new degree of leadership in course-setting for Congress and his party, and that the course was to be, as he later termed it, "moderate progressivism," or "dynamic conservatism," its salient domestic feature a conservative consolidation of the human welfare side of the New Deal, *viz.*, 1954's social security, housing, and health proposals.

Whether by accident, accretion, or design, those propositions had emerged as something on the order of a presidential policy by the time White House staff got deep into reviewing agency programs. Subsequent cabinet sessions, leaders' meetings, press build-ups did not create a course of action but served rather to test, trim, "package," and persuade. And the fact that such processing was conceived to be necessary, indeed was actually employed, needs to be understood not merely as an outgrowth of prevailing notions on "efficiency" or "public relations," but as an attribute of the divided counsels, attitudes, traditions attendant on the first Republican Administration in 20 years, whose head—and the Republican party's head—had previously been a professional non-partisan.

The presidential role anent Congress, cabinet, and party; the party's general posture anent oppositional gambits of other days, these things were by no means become matters of course or common understanding during 1953—not even, perhaps, in the White House at the time those staff reviews began. Yet the regime's first venture into legislative programming, while in no sense determinative on all scores, was bound to come to grips with such unknowns more directly and on a wider scale than any prior undertaking in the Eisenhower term. The form and content of the annual messages for 1954 thus became matters of considerable moment to Republican office-holders—and their clientele—of all shades of opinion at both ends of the Avenue. The very elaborateness of program processing devices suggests the amount of potential party cleavage they were relied on to contain. The very moderateness of the final product disguises a not inconsiderable amount of prior disputation among protagonists variously placed along the regime's right-left spectrum of opinion (a spectrum obviously centered to the right of that in Truman's time, or in F.D.R.'s, but distinctly observable nonetheless).

If a number of "liberal" projects were earmarked for further study, as with

immigration, education, minimum wage, or watered down, by prior *Democratic* standards—as with public health and housing—what remained by way of progressive measures and what failed to appear by way of schemes for “turning back the clock,” both represent reportedly the fruits of hard-pressed argument “within the family” at the crucial early stages of departmental programming and White House staff review. And were the outsider to question what could have been so disputatious in the final product, how could less have been recommended by a modern President—mindful of his national constituency, facing a mid-term election—the rejoinder would seem to be that this regime began in company with all the attitudes and symbols of long opposition; their shedding was no light task.

Presumably—and pending the researches of historians—it is in this perspective that one ought to view the course of program preparation during 1953. Much of what was done procedurally becomes, then, specialized and perhaps transitory, rooted in particular times, persons, circumstances. But clearly there is nothing transient about the venture as a whole, the compilation of an inclusive bill of particulars for presentation annually by President to Congress. This is now (mid-1955) no less a matter of course in Eisenhower’s time than formerly in Truman’s; the practice which survives such a change of regime is likely to endure. And clearly its most institutionalized features as of now are also those whose prior presence on the scene helped signally to push a new Administration toward resuming and elaborating Truman patterns: the departmental inventorying in September submissions and the presidential inventorying in January messages. It was when caught between the actuality of agency programs and the nearing of no less than three required annual messages (inventories all, each year from 1946 through 1952), that Eisenhower’s White House turned in earnest to developing his 1954 program. It was upon these pre-existing institutional foundations that there arose that programming machinery sketched in the previous pages.

This suggests an obvious question: where did these foundations come from; what brought them into being in pre-Eisenhower years? For answers it is necessary to look back at least as far as the preceding transition period, the early presidency of Harry S. Truman.

II. THE USE OF ANNUAL MESSAGES IN TRUMAN’S TIME

The first of these developments, alike in time and in importance, is that described above as presidential inventorying, the use of annual messages buttressed by special messages and bills to take specific legislative stands across the board. In its contemporary form this practice may be said to have originated in the three-year period immediately following World War II, arising out of circumstances which are now to be defined.

In January, 1944, five months before D-Day, President Roosevelt had proclaimed an “Economic Bill of Rights,” a generalized statement of his postwar goals which served to reaffirm and to elaborate prewar assertions of the government’s responsibility for peacetime economic development and social welfare,

as well as to dramatize the presidency as prime source of ideas and initiative in this vast area of home affairs.²⁴ In February, 1946, six months after V-J Day, the underlying concepts both of governmental and of presidential duty were written into law, receiving permanent institutional expression in the Employment Act of 1946:

... the Congress declares that it is the continuing policy and responsibility of the Federal Government to ... promote maximum employment, production and purchasing power. ... The President shall transmit to Congress at the beginning of each regular session ... a program for carrying out [this] policy. ...²⁵

Here was a pressing charge upon the postwar White House, in terms of public expectation—and of anticipated postwar needs—a mandate no less meaningful before than after its enactment into law. To F.D.R.'s successor in the presidency this was perforce an immediate obligation of office. For him as heir to Roosevelt's coalition it was, moreover, a political imperative. And from the moment "peace" arrived with unexpected suddenness in August, 1945, releasing all manner of public hopes and fears and expectations, Truman showered upon Congress literally dozens of recommendations, great and small, for legislative action in the economic and welfare spheres his predecessor had marked out.²⁶

Beginning with his "21-point program" of September 6, 1945—which launched what became known as the "Fair Deal"—the new President sent Congress seven special messages in 10 weeks' time requesting a melange of reconversion aids, administrative improvements, and long-range reforms, their number and diversity measuring not only social but governmental changes called for, in his view, to meet the needs of peace. Then in January, 1946, at the opening of the new session, the more significant of these were rearranged and bundled together, inventory style, into a single package, presented to Congress by an enlarged Budget Message, and to the public by radio address.²⁷

²⁴ The Economic Bill of Rights was set forth in the State of the Union Message, January 11, 1944, as a matter not of specifics but of general postwar objectives to which Roosevelt pledged himself and his regime and, as the year wore on, his party. These objectives figured prominently in FDR's fourth-term campaign, with Truman as his running mate.

²⁵ A glance at any Economic Report of the President since 1946—Eisenhower's as well as Truman's—will show that the Act's mandate regarding "employment, production and purchasing power" has drawn from Roosevelt's successors recommendations (of varying scope) for economic and social legislation in every area encompassed by his "economic rights."

²⁶ Indeed, most of the major Truman proposals had been foreshadowed by F.D.R. during the 1944 campaign, especially in his Chicago address, October 28, 1944. And Roosevelt's Special Counsel has recorded that the Truman messages on social security, education, and health grew out of preparatory work commissioned by F.D.R. before his Yalta trip. Samuel I. Rosenman, *Working with Roosevelt* (New York, 1952), pp. 514-15. Whether Roosevelt would have followed his own commission in so faithful a fashion remains unknown.

²⁷ For further observations on the content of Truman's post-V-J Day program and on the personal and political motivations behind it, see Richard E. Neustadt, "Congress and the Fair Deal: A Legislative Balance Sheet," *Public Policy*, Vol. 5 (Cambridge, Mass., 1954), pp. 349-81, at pp. 355-60.

This presentation anticipated by a month final passage of the Employment Act; the annual message of 1946 was, among other things, an Economic Report in embryo.²⁸

In Roosevelt's time, the President's address to Congress on the State of the Union had usually sounded some general, introductory theme, warmly personal, even philosophic, with definite proposals left for later, piecemeal presentation when, as, and if the President chose. Now, in attempted response to the post-war push of office and constituency, Truman used that address, experimentally combined with his Budget Message, to tidy up and restate his long list of post-V-J Day particulars. And whereas Roosevelt, when the time came for particulars, was usually both dramatic and concrete, Truman confined himself to rapid-fire listing of everything at once, impacts diffused and loose ends flying. "Where Roosevelt had been criticized for sending prepared bills to Congress Truman dumped mere proposals in batches."²⁹ In 1946, except for international agreements there were but few bills bearing a reliable Administration label. On the generality of Truman's own proposals, authoritative information—to say nothing of general understanding—was almost wholly lacking as regards his order of priorities, his preferences and tolerances, bill by bill, his outlook on specifics urged by other Democratic spokesmen.

The presidential silence on these matters may be explained in part by reference to the former Senator—a junior in the New Deal's palmy days—who used to say, during his first year in the White House, that Presidents should state their case and then leave legislating strictly up to Congress. But something more was operating here than anybody's personal proclivity. For not alone in public were these things unsettled but in private also. Truman's "batches" of "mere proposals" had been produced, of course, in the aftermath of Roosevelt's death and enemy surrender, a time of greatest difficulty for the White House. The presidential staff was thoroughly disoriented, its composition and relationships in flux. The cabinet abounded in new faces. The government was plagued by all the woes of demobilization, reconversion, and deteriorating overseas alliances. Meanwhile, the Congress strained toward its first postwar political campaign—from which, incidentally, the President was to absent himself by urgent invitation of his party. In this situation there was scarcely room or opportunity for careful White House definition and elaboration of a presidential view on details of the varied legislation Truman felt impelled to recommend.

²⁸ Truman's annual message went to Congress January 25, 1946. It combined the State of the Union and Budget Messages into a single document which included gross national product analysis, discussion of the economic outlook, and a sweeping program of "economic" legislation. The Employment Act, which became law March 2, was still under consideration in Congress and it was hoped by some of the President's advisors that the example of a single, consolidated message would head off prescription of a separate Economic Report. That hope was vain and the consolidated message disadvantageous on several counts, its bulk precluding, among other things, a face-to-face report to Congress on the State of the Union. The experiment was not repeated. Since 1946 three separate messages have gone annually to Congress.

²⁹ Wilfred E. Binkley, *President and Congress* (New York, 1947), p. 278.

If in January, 1946 the President did little more than spread bare-bones endorsements on the record, in January, 1947 even this activity was circumscribed. There intervened, of course, the congressional elections. Under the initial impact of Democratic reverses the Administration lost, for a time, its sense of domestic direction; in home affairs all budding plans were rendered obsolete. Here was a tremendous shock for a regime which, 19 months in office, had still to catch its breath. Within the President's own entourage a first reaction was compounded of uncertainty and hesitation; twin themes which can be read between the lines of Truman's annual messages to the newly-convened—and Republican-controlled—80th Congress, documents prepared in the immediate aftermath of the election.

In January, 1947, there were for the first time three of those messages: a State of the Union Address, a Budget Message, and an Economic Report (the first under the Employment Act). In one respect at least these three, taken together, recalled their single counterpart of 1946: subject-matter ran the gamut of government concerns. But where in 1946 each subject introduced was capped by one or more demands for legislation—emphatic, if not necessarily specific—the discourses of 1947 concluded mostly with requests for “study” or “consideration,” gently, even ambiguously phrased, not so much calls for action as warnings and appeals to the congressional Republicans.³⁰ Far less than in 1946 did these three messages—or any later statements during 1947—convey a specific presidential “program” in anything like Eisenhower's current terms.

But while 1947 began on a note of hesitation for the Truman regime, it ended with most doubts resolved. By Fall the White House was preparing to make Congress' domestic legislative record a prime issue in the coming presidential campaign. By that time also the Administration was well started on a foreign policy—bipartisan in origins and application—which would require legislative execution, via authorizations and appropriations, all through Truman's hoped-for second term. In practical effect, the Truman Doctrine and the Marshall Plan tied foreign policy to legislation and added new specifics on which Truman was now bound to exercise his constitutional authority to recommend, *thereby extending to the foreign field something approaching the Employment Act's mandate in home affairs.*

For reasons, then, of policy and politics alike, Truman's three annual messages of January, 1948 were quite different in tone and content from those of the year before, the subject-matter no less broad, but everywhere much more specific, with most affirmative proposals delineated much more sharply.³¹ And where in early 1947 many presidential references had been left dangling, to be defined as anybody pleased or not at all, in 1948 an amplifying special message went to Congress almost every week, usually with an approved draft bill hard

³⁰ Especially was this the case with that year's pressing issues of inflation, tax reduction, and labor relations. See Address on the State of the Union, Jan. 9, 1947; Economic Report, Jan. 11; and Budget Message, Jan. 14.

³¹ State of the Union Address, Jan. 9, 1948; Budget Message, Jan. 11; Economic Report, Jan. 14.

on its heels.³² Save in foreign and defense fields, the motivation here was mainly issue-making, record-building through congressional *non*-performance on the widest possible range of liberal measures; in their domestic aspects these messages reformulated and elaborated every controversial segment of the 1946 program. On the domestic measures, therefore, no less than the Marshall Plan, it was essential that there should be clear lines, sharply drawn—with more than mere proposals needed in the record, since, if not this Congress, hopefully the next would have occasion to respond. Thus specificity became the order of the day. Despite their very different settings—and with regard to form, not substance—the prototype of Eisenhower's presentation *circa* January, 1954 was Truman's effort in the spring of 1948.

It was the rush of public needs and expectations after enemy surrender which prompted Truman's first resort to presidential inventorying in 1946's annual message. It was the Truman strategy for 1948 which renewed and confirmed this practice, at the same time transforming a previously imprecise and unelaborated presentation into a relatively defined and detailed bill of particulars. And always in the background were the postwar President's vast legislative programming responsibilities, expressed and symbolized by the Employment Act and cold-war foreign policy.

The patterns set in 1948 were to be followed—and indeed elaborated further. During Truman's second term his 1949 and 1950 program presentations tended toward more comprehensive coverage, more specificity, more rationalization of sequential messages and bills; his post-Korean presentations stabilized along 1950 lines. Politically there was, or then seemed to be, good reason every year for staking out anew—or anyway not overlooking—unenacted portions of his pre-election program.³³ And governmentally there was no slackening of social, economic, foreign-policy involvements to generate new needs for legislation in those years of initial recession, subsequent inflation, partial mobilization, military alliance-building, and dragged-out Korean war. Moreover, in the process of recurrent use the practice of presenting annual programs acquired a momentum and survival power of its own, each year more generally regarded throughout government as the accustomed way of doing business, each year more nearly built into the institutional arrangements, expectations, of Congress, agencies, and presidential staff alike. Policy and politics aside, perpetuation of the practice during Truman's second term owes much to the fast rise of institutional stakes in the game.

^{Footnote} Nowhere was this more striking than in the case of presidential staff. In Truman's time, at least before Korea, the main thrust of Administration effort and attention was less operational than legislative; this in those notable domestic spheres where policies once cast in legislative guise remained so for lack of

³² *E.g.*, civil rights, Feb. 2, 1948; rent control and housing, Feb. 27; reciprocal trade, March 1; European recovery and national defense, March 17; Alaska development, April 24; agriculture, May 14; social security, May 24.

³³ For discussion see Neustadt, *op. cit.*, in *Public Policy*, Vol. 5, pp. 349–81, at pp. 366–81

commensurate congressional response; likewise in crucial foreign fields where new infusions of authority and funds were periodically required. The great issues of policy, oftener than not, revolved around what Congress should be asked to do. For White House aides and budgeteers and economic advisers there were, therefore, no better ways to reserve policy decisions to the President—or, indeed, to get them taken—than those afforded by presidential messages to Congress. Nor were there any ways more likely to bring staff facilities and talents into play; nor any better suited to set President (and entourage) astride department heads' negotiations with one another and with the Hill. The greater the spread of *presidential* requests for legislation, the wider the President's own reach as decision-maker—and the deeper staff's participation in essentials of decision-making. Protection for the President *and* for the work of staff—both motives, variously combined, helped markedly to incline numbers of key Truman aides toward ever more elaborate legislative program presentations.

The institutional factor's influence upon the course of presidential inventorying cannot be better illustrated than by reference to the growth of a related, if subsidiary, practice, where institutional concerns were paramount from first to last: with the development, that is to say, of the other of the two inherited foundations on which Eisenhower's programming was to be based, namely the *departmental* legislative programs. To that development we may now turn, its starting point not again presentation, but rather preparation of the President's program in Truman's early years.

III. THE EMERGENCE OF DEPARTMENTAL LEGISLATIVE PROGRAMS

The custom of compiling formal agency programs as a preliminary stage in presidential program-making owes very little to procedural initiatives from the departments, deriving, rather, from White House requirements imposed upon them in the four years after World War II. Those requirements, in turn, reflect a step-by-step accumulation of *ad hoc* responses on the part of Truman's aides to various felt needs arising in the course of readying his annual messages, especially as they assumed their "inventory" cast. What were these needs, and what the character of staff response? For answers it is necessary to review some facets of the staff work at successive message seasons from 1945 through 1949.

In Roosevelt's time, the actual drafting of Budget Messages—then mostly discourses on going programs—had been left to the Budget Bureau under varying degrees of presidential supervision. State of the Union preparations, on the other hand, had remained pretty much the President's affair, with Samuel I. Rosenman, his Special Counsel, as chief continuing assistant in the process.³⁴ Over the years the drafting of these latter addresses came to depend in considerable part on the availability of proposed texts and of supporting data emanating from the agencies;³⁵ with little or no prompting, their contributions and

³⁴ A relationship on all major speeches which dated back to Albany. For illuminating details see Rosenman, *op. cit.*, especially Ch. 1.

³⁵ For illustrations, *ibid.*, pp. 262–65; 510–12.

advices flowed regularly to Rosenman through well-worn channels, part of the routine of annual message season.

That routine and those channels were not much disturbed during 1945, despite Truman's accession in mid-April and his trial combination, nine months later, of the State of the Union address with the Budget Message. For Rosenman, who had remained with the new President, was on the scene in his accustomed place during the drafting of that omnibus affair; his opposite number from the Budget side was Harold D. Smith, another Roosevelt holdover. Whatever the consolidated document's demerits, presentation-wise, its drafting under their joint management assured a single—and, to the bureaucracy, familiar—focus both for staff work and for departmental liaison.

Not so the following year. By message season 1946 both Rosenman and Smith had left the government; their replacements were new men in Washington. By then more institutions had appeared within the White House orbit: a Council of Economic Advisors under the Employment Act, and an office of Assistant to the President, residual legatee for OWMR. By then, too, there were to be three separate annual messages. And adding to the other troubles of the time—sketched in section II above—these three became the object of four quasi-independent drafting operations. The Budget, reverting to custom, held pretty tightly onto that year's Budget Message. The Economic Council tried its best to follow suit on the first Economic Report, its virgin—and uncertain—efforts being duplicated, meanwhile, closer to the throne, by what remained of OWMR. And elsewhere in the White House, State of the Union drafts were put together, cut-and-paste, by the new presidential counsel, Clark M. Clifford, utilizing diverse agency suggestions and some borrowed Budget staff.³⁶

Reflecting the scatteration of these enterprises, a multiplicity of overlapping calls for plans, suggestions, and advice went from them to the various departments. On November 14, 1946, the OWMR Director—soon to be Assistant to the President—wrote all the agencies, inviting views on legislation they desired at the coming session. The next day Truman asked in cabinet for suggestions on the subject-matter of his State of the Union address; this request was conveyed later to a number of non-cabinet agencies by letter from Counsel Clifford. Meanwhile, similar requests regarding subjects for the Economic Report had gone out more informally from CEA. And in the course of budget hearings, Budget staff had asked each agency for information on its legislative plans. In all of

³⁶ Clifford, a St. Louis attorney before the war, was appointed Counsel in July, 1946 after a year's duty in the White House as assistant Naval Aide. Smith's successor, James E. Webb, previously a Sperry Gyroscope official and wartime Marine specialist, was appointed Budget Director that same month, after a short stint as an executive assistant to the Under Secretary of the Treasury. The original members of the Council of Economic Advisers, Nourse, Keyserling, and Clark, were not appointed until August, 1946, six months after passage of the Employment Act; of the three, only Keyserling had had previous government experience. The new Assistant to the President, Steelman, on the other hand, was a government official of long standing, who had served as OWMR's last Director, assuming his new White House post upon that agency's termination in the aftermath of the November, 1946 election, and keeping with him, for a time, a remnant of his former staff.

this and in the results of it all there was, of course, confusion and waste motion, with presidential staff-work afflicted no less than departmental. Ambiguities and uncertainties there were bound to be in the Administration stand of January, 1947. This rather gilded the lily.

Time helps, however. By the Fall of 1947, staff and personality relationships in Truman's entourage had shaken down somewhat, all parties more accustomed to their jobs, each other, and the President. By then also the regime had begun to crystallize its goals, in home affairs no less than overseas. And facing preparation of the annual messages for 1948, both President and staff were conscious of a crucial corner to be turned. The tightening of preparatory staff work was a natural result, though scarcely one preplanned.

Procedurally, that tightening began in an attempt to deal with the preceding year's most obvious mechanical defect—those tangled requests to the agencies. In September, 1947, White House and Budget aides accepted a suggestion from the Economic Council that they combine such inquiries for the forthcoming message season; the upshot, on September 26, was a formal letter from the President himself to the head of each major agency. There Truman asked that he receive by November 1 "such material as you would propose for inclusion in the 1948 State of the Union Message or the Economic Report of the President," and in addition a report "showing the character of legislation of concern to [the agency] which you anticipate may be considered by the Congress," this latter "not [to] be in great detail but [to] contain sufficient information to identify the subjects upon which legislation may be introduced or requested." And as a closing note, "the White House staff, the Council of Economic Advisers or the Bureau of the Budget may make additional requests for material or arrange for discussions with your representatives to whatever extent may be required."³⁷

Here was a first approach to those elaborate calls for departmental legislative programs now issuing each year from Budget as a matter of course. This letter may be said to mark the start of annual agency programming in contemporary terms. But no one could have told that at the time, nor sense it now from the loose wordage then employed.

The imprecision of the words reflects the fact that drafters of this letter were much clearer in their minds about the need to send it than about the uses they might make of agency replies. Message suggestions were requested because it was traditional to have them, a tradition reinforced by data needs attendant on that new affair, the Economic Report. Legislative intentions were canvassed in the hope, from the White House side, that message drafters might be safeguarded against ignoring, inadvertently, items either attractive to the President or wholly counter to his aims. To complement this hope there was the notion, from the Budget side, that advance word on departmental plans might sharpen current estimates reviews and expedite next-session legislative clearances. All staffs concerned were pleased by the idea of placing agencies on record with the

³⁷ Quoted passages in this and similar presidential requests annually through 1954 are from texts or notes in the writer's files.

President regarding plans their bureaucrats were brewing. And institutional staffs were pleased as well by the explicit presidential recognition of their roles in message making, together with the general hunting licenses officially bestowed upon them. This last, especially; it is no accident that the initiative in presidential letter-writing came from the late-on-the-scene, least institutionally secure staff element, the Economic Council.³⁸

But all of these were rather preconceptions than specific undertakings as regards the actuality of agency replies. Precisely what was to be done with them and for what purpose and by whom remained unsettled in advance, with no one in the presidential entourage sure of results to be expected or desired. The proceeding was new and the 80th Congress in its second session was an unpromising occasion for breast-baring by departments on behalf of the perhaps shortly-to-be-retired President.

Truman's 1947 letter was a fishing expedition; results are hard to classify. Most agencies consolidated answers to his two requests, blurring or ignoring distinctions between them, with legislative projects mostly buried in suggested language drafts. However, there was one thing notably concrete about these agency replies: the pile they made on White House desks November 1, or thereabouts. By that time, staff work was already underway in Budget and CEA on preliminary drafts of the two secondary messages; as for the State of the Union address, a White House-Budget drafting team had been lined up by Clifford, though not yet put to work. While there was little disposition to rely on departmental prose, *per se*, each staff engaged, or soon to be engaged, in message preparation needed to know what was contained in agency submissions—for the sake of the record, if nothing more—but none had time or means to plow straight through the pile, much less sift substantive suggestions from the rhetoric in which they were conveyed. By common consent, heartfelt if *ad hoc*, that task went to the Budget's newly-expanding legislative clearance organization, then titled the Division of Legislative Reference.³⁹

There, informal appraisals were solicited from specialists in Budget and in CEA,⁴⁰ and the results highlighted in an annotated checklist of action-recom-

³⁸ This is not to suggest, of course, that Executive Office staffs lacked working-level channels to the agencies or informal advice on agency interest and intentions. Quite the contrary. The purpose of the quoted language in the letter of September 26, 1947 was not to obtain data otherwise inaccessible to staff, but rather to put agency heads responsibly on record pro or con departmental ideas more probably than not already known or sensed by presidential aides, while at the same time giving the latter a formal—even constitutional—rationale for their own attempts at follow-up, coordination, and review.

³⁹ For a discussion of that expansion and the motivations behind it see Neustadt, *op. cit.*, this REVIEW (Sept. 1954), pp. 659–63.

⁴⁰ As a matter of sheer improvisation, Legislative Reference established a number of *ad hoc* staff "working teams," drawn from other Budget divisions and to some extent from CEA, to comment on the adequacy and utility of departmental recommendations and to point up major issues of substance or finance raised by, or omitted from, agency submissions. See Budget Bureau inter-office memorandum from Elmer B. Staats, then chief of the Division of Legislative Reference, to Messrs. D. C. Stone, J. W. Jones, Martin, and Rice, Nov. 17, 1947. In two weeks' time there were prepared some 20 staff critiques

mendations, including legislative issues ignored by the agencies but not by staff critiques.⁴¹ Here, in a single document, was an inventory for the message-drafters, a handy guide to problems needing resolution and to potential gaps or overlaps among the messages. As an aid to coordination, this mechanical contrivance was supplemented in two ways: there was much interchange of drafts—and some of drafters—among staffs working on the messages, while every phrase concerning legislation was centrally reviewed in Legislative Reference. (By these means wording was coordinated and much substance also; for it was mainly in the course and guise of actual message drafting that 1947's open issues were brought before the President for his decision.) Thereafter, once the message drafts were put in final form, White House and Budget legislative staffs—maintaining the collaboration forged in message season, seeking the new degree of specificity for 1948—joined in a review of “developmental” work still to be done, of actions needed to give full effect to presidential tone and purpose: interagency disputes to be resolved, special messages prepared, bills and amendments drafted, departmental testimony set. And with these clean-up tasks identified, those staffs turned jointly to the doing of them, utilizing in experimental fashion both legislative clearance channels and *ad hoc* staff-and-department working teams.⁴²

These staff procedures and relationships evolving in the course of 1947's message season were relatively crude and unelaborated by contemporary standards. They were, however, a considerable improvement over what had gone before, sufficiently successful to attract attention and adherents for the future. Of course, the White House aides who had provided leadership and drive were scarcely bent on setting precedents nor much concerned about procedural trends. In 1948, their horizons were to be limited, perforce, by the forthcoming presidential election; their interest, time, and energy absorbed, increasingly, by preparations for convention and campaign. Within the Budget

combining agency responses into subject-matter fields. Considering the time and circumstances, these were reasonably thorough jobs of summarization and analysis, generally of higher quality, certainly much more specific, than the original agency documents. As such they served in lieu of most originals as working papers for the drafting staffs on all three annual messages. Note that in this 1947 experiment CEA's participation in the Legislative Reference “working teams” was marginal. General inclusion of CEA specialists came as a refinement the following year. For this subsequent elaboration of the procedure see Budget Bureau inter-office memorandum from Elmer B. Staats to Messrs. Stauffacher, Martin, J. W. Jones, and Gross (CEA), Dec. 6, 1948.

⁴¹ “Checklist of Recommendations for Presidential Messages in January, 1948,” Bureau of the Budget, Division of Legislative Reference, Dec. 3, 1947 (duplicated).

⁴² Note that in this 1947 sequence message drafting, itself, became the central focus for policy decision as regards the legislative program, with detailed elaboration of particular policies a later, subsidiary undertaking. This more or less inverts the sequence and focus of Eisenhower's program-making during 1953. Of course, that is to compare Truman's third programming effort with Eisenhower's first. In 1947, while a checklisting of possible proposals had negative, coordinative uses, the White House was by no means faced with first-time issues new or strange or unexplored politically. Moreover, in domestic spheres the 1948 program, unlike the 1954, was not constructed with an eye to maximizing short-run congressional response.

Bureau, on the other hand—divorced from the campaign, acutely conscious of the presidency's durability, mindful of its own—the 1947 effort was regarded as a promising beginning of what ought to be a long-run undertaking; a step toward staff and agency relationships potentially of great significance for budgetary review no less than legislative clearance. And while the White House staff turned to full-time electioneering in late summer, 1948, the Budget made an effort to preserve, as nearly as might be, one concept introduced the year before: the formal annual canvass of agency intentions in the legislative sphere. To that end an innocuous inquiry was slipped into the call for estimates of July, 1948. Were the presidency to change hands, so ran the reasoning, this would already have been institutionalized, at least in theory, as part of the budget process.⁴³

But on November 3, 1948, Washington officialdom awoke to find itself executor of the "outgoing" President's election victory. Truman would remain, with Democrats controlling Congress; in every Federal agency caretaker attitudes were hurried out of sight. On the legislative front, a vast array of talk-stage ideas for the coming session were recast, overnight, as current, actionable issues. In home affairs, especially, the character of Truman's campaign and election combined to rouse great expectations, in and out of government. There was no dearth of raw materials to go into a Truman program for the Congress which had shared his victory. Quite the contrary; in the 60 days between election's end and session's start the problem was not to create, but rather to rationalize, to gain some order of priority, some measure of coherence overall, some semblance of agreement on details, for inventory in the customary annual messages, topped off this time by an Inaugural Address.

Here was a heavy load for presidential aides—especially for a White House contingent just off the campaign train. To make a start, they hastily revived and amplified their improvised machinery of a year before, beginning with the presidential letter to the agencies.

On November 5, three days after election, Truman told his cabinet members to review his campaign speeches and to ready legislation on the pledges these contained. The next day he sent a formal request to all major agencies, asking advice on his messages and on their legislative plans. This was something more than a repeat performance of his 1947 letter. Reflecting the changed circum-

⁴³ In July, 1948, the call for estimates for fiscal 1950 requested, for the first time, some report on departmental legislative plans. The agencies were asked to include with their budget estimates, due September 15, a brief statement "calling attention to any recommendations for proposed legislation . . . which should be taken account of in preparing the Budget Message . . . or in arriving at budget totals. . . ." Information of this sort had long been wanted by the Budget for purposes of estimates review; in 1946, verbal requests at budget hearings had brought relatively few results; in 1947, agency responses to the presidential call had arrived relatively late. But nobody expected either cabinet officers or their career subordinates to go on record candidly in mid-September, 1948. This innovation in the Budget call was scarcely designed to gain much information; nor did it do so in fact. Rather, it was an expedient, a pre-election gambit, designed to give Budget a precedent for possible application in a new regime.

stances, this new document departed from its predecessor's terms in two significant respects. On the one hand, the request for message data was trimmed down in an evident desire to avoid new piles of departmental prose.⁴⁴ On the other hand, the request for legislative information was much more elaborate than in 1947, also much more precise, its wordage a first approximation of that employed by Eisenhower's Budget Bureau five years later.⁴⁵

And as regards this legislative inquiry, it is doubtful that either before or since did any Truman broadside receive faster or more generally responsive answers. Most agency replies were relatively complete, well organized, informative, and marked by evidences of review at upper echelons. While formats varied, as did depth and specificity of information on particulars, there was, in fact—as time would show—quite general coverage of agency intentions all the way from major policy affairs to matters of administrative routine.

There was only one trouble with these departmental documents: they came too late for great effect on presidential program-making. December, 1948 was scarcely a propitious month for measured applications of staff "expertise" through paper channels. In no event was there much room for staff (or agency) debate about the general range of measures to be recommended at the opening of Congress. Past history and present circumstances made it plain that at a minimum the 81st Congress would be asked for everything the 80th had denied. As for the all-important details—how much of what to recommend, in terms of what specifics, at what dollar cost and when—deep cross-currents kept sweeping such things far beyond the reach of formal papers or their processors:⁴⁶ the military seeking more security "in being"; Budget and Treasury trying to cut "inflationary" spending and the public debt; Fair Dealers, momentarily in seventh heaven, demanding action, fast, on all their aims at once. Relatively

⁴⁴ The agencies were simply asked to name "... the subjects which you would propose for inclusion in the State of the Union Message and the Economic Report ... together with a brief explanation of each. ..."

⁴⁵ In 1948 Truman asked for "a report on the proposed legislative program of your department [which] should show (1) the subject-matter of all legislation which you desire to propose ... [to Congress] ... , (2) the state of readiness of legislative drafts and supporting material, (3) references to the bills and ... reports in the 80th Congress concerning the subjects covered ... with a brief appraisal of the adequacy of these bills, (4) your views on the timing of introduction and ... consideration, and (5) the names of other departments and agencies ... interested in the same subjects."

Necessarily, the time for response to this request was very limited. The President's letter asked that message suggestions be sent directly to the White House by November 29, 1948; legislative programs were to be sent him by that date "through" the Bureau of the Budget, with the proviso that supplemental listings would be accepted up to December 15; as regards that time-extension, the letter voiced an expectation that each agency program "will be fully developed by that date," a scarcely enforceable directive to make "all" mean "all."

⁴⁶ In 1948, reversing 1947's procedure, Legislative Reference had produced a "preliminary" checklist for the message drafters (based on campaign materials and staff anticipations) two weeks *before* the agency programs arrived. Elaborate working teams were drawn from Budget and CEA to review those submissions on arrival. But by that time such a review process was bound to involve more activity than result.

few of the proposals prized by high officials and their clientele were wholly free of impacts on the budget. The rest became involved in tugs of war between expansive social purpose and conservative financial policy; each view with departmental and staff advocates to jostle one another for the presidential ear by means more personal—and more emphatic—than mere submission or review of agency programs.⁴⁷ Given the time factor and the message framework, there was, perforce, a certain lack of order in this process. Inevitably, some of the results were arbitrary, mutually inconsistent, even, in the course of time, embarrassing to the regime. To take just one example, the rural telephone program—which Truman came to list in later years among his regime's great accomplishments for 1949—was kept out of his January messages and once thereafter held "not in accord" by Budget as a matter of financial stringency.

The 1948 message season, taken as a whole, left in its wake among the staffs concerned less satisfaction than frustration: White House and CEA programmers conscious of a disadvantageous tactical position on price-tag issues late in budget season; legislative clearance aides concerned lest their home institution's role as a cost-cutting advocate endanger their desired "neutral" standing and new White House links; the budgeteers bemused by failures once again to bring new legislation into focus soon enough for rational review alongside going programs. Everybody's troubles turned on timing; the cure, apparently, an earlier beginning and more integration of both plans and planners. And in the relatively simpler circumstances of 1949—a non-election year to be succeeded by a second session—an early start became the central feature of staff preparations for 1950's program presentation.

In July, 1949, the Budget call for estimates for fiscal 1951 replaced 1948's mere for-the-record inquiry on legislation with a full-blown replica of Truman's post-election request for departmental legislative programs. This time the agencies were to submit "preliminary" legislative programs to the Budget along with their annual estimates; "final" programs would then be in order later as responses to the "usual" message season letter from the President. This new feature of the Budget call—a fixture each year since—required presentation by the agencies of the same range of data specified in Truman's letter of November 6, 1948.⁴⁸ This scheme of departmental double-jeopardy on legislative programs

⁴⁷ The well-known Budget-Forrestal dispute over the fiscal 1950 military budget was, of course, a very vital background factor in the legislative program conflicts of this period. As a practical matter, only with that argument settled in Webb's favor were there funds for Fair Dealers and budgeteers to quarrel about. By the same token, universal training legislation then assumed a higher relative priority for the President than most of his supporters, in and out of Congress, were ever willing to concede it at either end of the Avenue—a circumstance since echoed in the reserve training controversy during the congressional session of 1955. Indeed, the broader conflict over military force levels since Eisenhower's accession is reminiscent in many ways of those of 1948 and 1949.

⁴⁸ To the 1948 language there were added requests for cost estimates and a listing of laws due to expire. Bureau of the Budget, *Instructions for the Preparation and Submission of Annual Budget Estimates*, June 30, 1949, Sec. 86. The purpose of the expiration list is obvious, its need made sharp by the fast-rising congressional practice of authorizing long-term programs on a short-run, review-and-extend basis. Lest this request receive less than

was motivated partly by uncertainty about prospects for change in agency intentions during the fall months, a concern proved groundless, largely, especially in 1949. And, partly, the motivation was political in bureaucratic terms: a demonstration to the agencies that no loss of "presidential" status was involved in the shift to an earlier submission on Budget's call.⁴⁹ Results were as desired; the preliminary programs which reached Budget in September, 1949 were generally no less comprehensive than had been the presentations of December, 1948—indeed, reflecting first-session turn-downs and delays, they were in large part carbon copies.

With these at hand so early in the game, the paper processing arrangements improvised in 1947 were renovated and enlarged as means of minimizing the difficulties encountered in 1948. For the first time most departmental legislative plans received considerable going-over in the normal course of estimates review, with relatively timely entré assured interested White House aides. Meanwhile, reviews of form and substance and priority outside the range of budgeting *per se* were somewhat disentangled from the chores of message drafting, defined and organized in their own terms and in advance, with all the staffs concerned drawn into working-team arrangements under White House auspices. There were, of course, but few *new* measures of a controversial cast proposed by the departments or conceived by staff for 1950's program presentation. For the most part, these preparatory efforts dealt with carry-overs previously recommended to the Congress, things easily contained in paper channels. And as regards new elements, where more intensive staff collaboration was

just due from the agencies, the Budget Director followed his formal call with an explanatory memorandum for department heads. "The request," he wrote, "is intended to give the Budget Bureau and the President as much information as possible about your plans . . . for the next legislative session in time to be considered in the early stages of budget review." With this in hand it would ". . . be possible to inform you, when we discuss your budget allowance, of the President's views on the relationship between items in your legislative program and the total budget outlook at that time." These programs, coming to the Budget in September, might be—in part—outdated by events before Congress assembled. Therefore, ". . . we anticipate that the agencies will be asked to present final legislative programs late in the year, in conjunction with suggestions for the annual messages." However, since preliminary programs were to provide better opportunity ". . . for proper integration of legislative proposals with the President's budget recommendations," agencies were urged that they ". . . should not hold back, for later presentation, any items which can possibly be foreseen at this time." Bureau of the Budget, Bulletin No. 50-5, Aug. 31, 1949.

⁴⁹ The presidential letter foreshadowed by the 1949 call for estimates followed in short order. Dated Sept. 26, 1949, the President's request for message suggestions paralleled the language used in 1948. On the legislative side, the agencies were asked to transmit through the Budget, by November 1, a "final" program which would ". . . restate and bring up to date the preliminary legislative program submitted . . . in accordance with the Call for Estimates." This was to include "all" agency desires for the coming session, as regards bills pending or to be proposed, with indications of departmental urgency and "views on the timing of congressional consideration." If a bill or proposal in December's program had not appeared in September's precursor, there was to be a statement of ". . . the circumstances which led to its addition"; this last a fine flourish, scarcely enforceable.

required, their number was so limited and time so free, relatively speaking, that procedural improvements sufficed to avert any major repetition of 1948's last-minute controversies and confusions.⁵⁰

Under the circumstances, 1949's budget and message seasons ran relatively smoothly in terms of staff and agency relationships, the mechanics regarded in most quarters as advances on what had gone before and harbingers of better still to come. But in the event there was to be no further innovating. Every plan for planning was abruptly pushed aside by the Korean outbreak and its aftermath, both military and political.

During the budget and message seasons of 1950-52 both agencies and staffs went through the motions more or less along the lines marked out in 1949. As a matter of form, these remained frozen in their pre-Korean cast; as a matter of fact, they became every year more marginal among the key concerns of policy officials.⁵¹ In part, such stalemating was a reflection of reduced Democratic majorities in the 82nd Congress combined with stepped-up oppositional attacks against a regime fast declining in prestige and coherence, driven to the defensive on almost every front. In part, it reflected preoccupation by both principals and staffs with complex, *ad hoc*, and unprecedented issues of economic and of military management attendant upon partial mobilization and limited war. In part, too, it reflected the attendant diminution in developmental efforts on Fair Deal particulars, once prime stimulators of programming machinery. Post-Korean advocacy of large-scale commitments lacking mobilization flavor at home or abroad—like general school construction or expansion of Point IV—met stiff resistance from the Budget and also, for the most part, from the President himself. Save for emergency measures, the presidential program, like the mechanisms for its preparation, remained relatively fixed in Truman's final years.

It may be said, then, that the departmental programming requirement now carried forward under Eisenhower emerged out of successive pressures in and on

⁵⁰ The eventual "new" features of Truman's 1950 program included official endorsement of the so-called "Brannan Plan," which the Secretary of Agriculture had presented to congressional committees the preceding spring, along with aids to small business, assistance for middle-income housing, and general revision of the internal revenue code. On these, there were arguments, of course, but relatively quietly resolved "within the family."

⁵¹ It had been planned before Korea to eliminate eventually the duplicative factor in requests for "preliminary" and for "final" programs. After Korea, though, no easy opportunity was found to do so, nor a compelling need; the dual system continued, for lack of time or energy to change it. The Budget Bureau's call for estimates in 1950, 1951—and 1952—reiterated the terms of Section 86 in 1949's call for preliminary legislative programs, with some elaboration of reporting requirements. The language was identical with that used under Eisenhower in 1953. (See above.) Bureau of the Budget, *Instructions for the Preparation and Submission of Annual Budget Estimates* (June 30, 1950; June 30, 1951; June 30, 1952), Sec. 86. Presidential calls for final legislative programs patterned on Truman's request of 1949, with some new terminology to take account of the emergency, went forward in the form of letters from the President on October 4, 1950, asking for submissions December 1 (after the mid-term election), and on October 5, 1951, again with a December 1 date for replies. There was no presidential call in 1952 regarding agency proposals for the 83rd Congress.

the Truman entourage, originating as a modest part of one attempt to pull together hitherto haphazard staff work in the face of a grave test, the 1948 election-year program; expanding and becoming institutionalized, increasingly, as a departure-point for efforts to hold staff coordination firm against the strains imposed by post-election clashes of Fair Deal and fiscal policies; stabilizing and becoming routinized as government's key policy preoccupations turned more operational than legislative, while mobilization bit at home and fighting wore on in Korea. And from the great departments—executors, *not* instigators of that programming requirement—there came, in Truman's time, a comparable sequence of responses.

In 1947, the President's first, hesitant request to them was met mostly by pro-forma rejoinders compiled at bureau levels with a minimum of higher echelon review—while Budget's muffled inquiry of July, 1948, was scarcely even noticed outside departmental budget offices. But with Truman's election, the replies to his November, 1948 request received careful review, even some reconsideration and reworking, at levels up to and including the department heads themselves; this last, especially, in those domestic agencies administering or ambitious for promotional programs. Partly as a carry-over, partly in awareness of their growing use by presidential staff, the responses to Budget's first full-scale request of 1949 were also given a considerable going-over at top departmental levels. Then with Korea, and thereafter, came a tendency to treat these annual exercises as increasingly routine affairs, the more so every year.

The very fact that *presidential* inventories were by then the norm insured that departmental compilations would remain of some significance to agency executives as means to stake out claims against the President's program; "routine" does not imply sheer departmental abdication to the bureau-level bureaucrats. Rather, what was involved for most departments in the final Truman years amounted to a diminution of top-level interest in assuming the initiative on those recurrent, largely repetitive, bills of particulars. Negatively, upper echelons were for the most part relatively conscientious in their screening and consolidation into proper form of propositions annually put forward by their bureaus. Some—notably Interior's then Program Staff—tried hard to enforce department-wide standards of readiness, consistency, coherence, priority. Almost everywhere, in some degree or other, there was a certain scrutiny of what came from below. But affirmatively, there was very little innovating at the instance of department heads.

In general, then, department heads and their top staffs accepted programming responsibility in Truman's second term, but rather passively as a requirement for proper compilation, than actively as an excuse for positive coordination. To this, however, there was one notable—and natural—exception: 1947's "unified" armed forces organization, the National Military Establishment, since 1949 the Department of Defense.

There White House-Budget calls were seized on very actively indeed and used as both a weapon and a rationale to help force the three military services

into coordination of their legislative plans. This was among the most determined, if least known, attempts at unifying in the period of Forrestal's—and subsequently Johnson's—tenure as Secretary of Defense. Spurred by Marx Leva, then Assistant Secretary, their office actually extracted from the services much of the initiative and most of the control on plans for forward legislation. This was accomplished in successive stages, mainly during 1948 and 1949, its virtual completion signalled late the latter year by a combined “preliminary” and “final” Defense Department legislative program for the 1950 session of Congress, this in the form of a book of 80-odd bill drafts and justifications submitted to the Budget, not alone for message purposes but for clearance also, in one lump and before the session's start. Since 1949, such consolidated, detailed, neatly packaged presentations have been standard at the Pentagon, renewed each year as a distinctly departmental matter, for purposes alike of internal coordination, Administration clearance, and ordered presentation on the Hill.

It is no accident, of course, that this exceptional response to presidential calls should have come from the office of the Secretary of Defense, whose problems of internal coordination and control were more nearly akin to the President's own, also much more acute—this at the start, especially—than those of any other department head. For Forrestal's and Johnson's aides and their heirs and assigns, it has been natural to find in departmental programming advantages not unlike those sought by presidential staff. In Truman's time, there were a few sporadic efforts made by members of his entourage to lure or push other departments toward an equivalent response. But lacking the incentives of the Secretary of Defense there was, elsewhere, no comparable internal drive in that direction; nor, after Korea, much pressure from above. During Truman's last years, the Defense Department program remained what it had been before Korea, a unique undertaking.

While the development of departmental programming was checked on all fronts in the three years after 1949, mere repetition of that year's proceedings had significance for 1953's transition to a new regime. By 1953 the agency bureaucracies were thoroughly habituated to an annual call from White House precincts for their legislative programs; habituated, also, to conceiving of those programs as inclusive inventories of precise proposals. Repetition robbed these things, in varying degree, of interest or excitement in high places, but at the same time gave them status and tradition as among the built-in patterns of agency routine. And in the Budget Bureau, also, there were some traditions built, especially some habit-forming ways of working with the White House. Year after year its legislative clearance aides had served as back-up staff to Truman's Special Counsel,⁵² drafting the programs call, checklisting agency responses, identifying open issues, stimulating working teams and acting as their secretariat, collating phraseology in message drafts, providing linkages among their drafters—all this done by the prospective interpreters of presiden-

⁵² Charles S. Murphy, who succeeded Clifford early in 1950, carried on the combination of speech-and-message drafting with legislative policy duties which characterized the Counsel's post in Truman's time (and F.D.R.'s).

tial programs: the clearance agents gaining a firm footing for their clearances. Long before 1953 these Budget aides became accustomed to seek out and stimulate conflicting judgments in the legislative field; accustomed also to the role of "institutional" exponent in interchanges with the White House "politicians." That year, in his capacity as career chief of Budget's clearance operations, this was the background brought by Roger Jones to his first contacts with the new regime anent the forward course in legislation.

IV. LEGISLATIVE PROGRAMS AND PRESIDENTIAL LEADERSHIP

Survival is the acid test of institutional development within the White House orbit. At this writing, in 1955, the Budget's call for estimates for fiscal 1957 has just gone to the agencies, a Section 86 included as before. The President may now abandon letters of request for message data—in 1954, a reminder at cabinet table served instead—but there is every expectation in his entourage that 1955's budget and message seasons will proceed along the lines of prior years, with January, 1956's annual messages conveying to the Congress and the country a comprehensive program presentation, Eisenhower's third—thus marking the tenth anniversary of Truman's trial compendium of 1946.

Looking back upon the intervening development, as traced above, one might easily gain a sense of busy bureaucrats entangling Presidents—Truman and Eisenhower both—in processes expressive more of institutional concerns than presidential personality, the product rather of the office than of the men. Of course, this may turn out, historically, to be but commentary on the personalities of those two Presidents. Even so, the record here presented demonstrates that year by year staff interests and initiatives have had—or, if one prefers, were allowed to have—a major, frequently decisive influence in shaping the *particulars*, the ways and means of current presidential programming.

This is not to suggest that either now or in the past have these particulars reflected *merely* needs and circumstances of the staffs as entities distinct from sitting Presidents. No doubt that brand of institutionalism plays a part in the proceedings here described—witness the Budget's interests *circa* 1948 and 1953 or CEA's in 1947—but a part powerfully reinforced at every turning-point by what then seemed a crucial undertaking in the President's own terms: Truman in 1945, attempting to discharge the trust and meet the situation he inherited; in 1948, trying to rally North and West against Republicans (and Henry Wallace); or Eisenhower in 1954, seeking, it would appear, to fix the label "middle of the road" on his own party's right-wing-dominated delegation in the Congress. If not, perhaps, the personal initiatives of Presidents, then at least their own circumstances and felt needs have markedly affected programming techniques. In that sense the personal equation is not to be discounted.

Yet in a deeper sense, neither personal proclivities nor, for that matter, bureaucratic busyness suffice to explain this development's direction overall, however much accounting for particulars. Perhaps two different Presidents, differently trained, motivated, staffed, might have proceeded in a rather different way. Conceivably, both presidential and staff needs might have been formu-

lated and expressed in terms other than those actually employed. But it is difficult to see how any postwar President—whether Truman or Dewey, or Eisenhower or Stevenson—could have avoided some kind of approach to legislative program-making on a comprehensive scale. Behind the momentary situations molding presidential conduct, there have been other pressures, far less transient: the mandate of the Employment Act, the policy of Soviet containment, and, as concomitants, perpetuation of big government, big budgets, and big debt—at home, the heritage of Roosevelt's revolution; abroad, cold war in the atomic age—all this accompanied politically by alternating Democratic and Republican majorities in coalition-dominated Congresses, along with notable discrepancies between each party's presidential and congressional electorates.

In such a context, the executive establishment was bound to generate large-scale requirements for substantive—and controversial—legislation; the presidency no less bound to take the lead. In spheres of foreign policy and of defense, the constitutional position of the President left him no room to stand aside. In home affairs there were specific statutes to compel his lead, the Budget and Accounting Act of 1921 and the Employment Act of 1946, this last but formally expressive of a role which F.D.R.'s example had already rendered virtually inescapable. And only interventions by the party leader in the White House could set tone and limits for that necessary *modus operandi*, "coalition" government *without* political truce. These ultimately were the pressures on the presidency at mid-century which gave rise to the programming endeavors here recorded; that record measuring successive, improvised responses on the part of real-life Presidents and staffs in their own terms and time.

Traditionally, there has been a tendency to distinguish "strong" Presidents from "weak," depending on their exercise of the initiative in legislation. The personal appearances in the hall of the House, the special messages, the drafted bills, the public appeals, so characteristic of contemporary program presentation, have all been represented in the past—no farther back than Franklin Roosevelt's time—as signs of a President's intention or capacity to "dominate" the Congress. If these were once relevant criteria of domination, they are not so today. As things stand now they have become part of the regular routines of office, an accepted elaboration of the constitutional right to recommend; as such, no more indicative of presidential domination than the veto power, say, in Herbert Hoover's time.

Indeed, from the congressional point of view, "service," not domination, is the reality behind these presidential undertakings. In practical effect, they represent a means whereby Congress can gain from the outside what comes hard from within: a handy and official guide to the wants of its biggest customer; an advance formulation of main issues at each session; a work-load ready-to-hand for every legislative committee; an indication, more or less, of what may risk the veto; a borrowing of presidential prestige for most major bills—and thus a boosting of publicity-potentials in both sponsorship and opposition.

That Congress wants these things and finds them useful for its purposes may

be judged from the almost total absence nowadays of vocal criticism or surprise at annual presentations of the President's program; an indicator reinforced by irritated comments, privately expressed on both sides of the aisle, when Eisenhower stayed his hand in 1953. Outcries against "dictatorship" and "speeches-from-the-throne" have long been stilled in responsible quarters. In 1947, Senator Taft told a Budget aide that as a matter of orderly procedure Republican committee chairmen *ought* to have the Democratic President's own views across-the-board and in detail, else the committees would lack solid ground from which to gauge the pleadings of departments and their clientele.⁵³ In 1953, the very senior chairman of a major House committee reportedly admonished an Administration witness, "don't expect us to start from scratch on what you people want. That's not the way we do things here—you draft the bills and *we* work them over."⁵⁴

As that remark suggests, the Congress deals not in abstract ideas but in bills. It comes to grips with substance in terms of phraseology. The process cannot start without a draft. And since executive expertise is often indispensable, while executive wishes are data to be weighed—though quite conceivably ignored—a "downtown" draft has tangible advantage as the starting point. But more than drafting service is provided by contemporary presidential programs. Annual programming serves also to identify, to render timely, in effect to choose, most *legislative* issues on which serious attention is to center at a session; the President becomes agenda-setter for the Congress, the chief continuing initiator of subject-matter to reach actionable stages in committee and on the floor, whether or not ultimately passed. Of course, as Lawrence Chamberlain and others have made plain, most major measures are the product of long germination, much cross-fertilizing. Quite so; the service of contemporary Presidents has been less creativity than crystallization; a matter less of seeding new terrain than of tracing new lines in old ground, thereby to mark the field for current cultivation.

In this respect, the presidency is performing for the Congress a task apparently beyond that body's institutional capacity to carry on its own account. When one looks at the legislative record of the last decade, the major controversial measures brought to focus, debate, and near-passage or enactment on congressional initiative *alone*, are small scatteration relative to those highlighted by—or with assistance from—the President: most prominently, perhaps, the Taft-Hartley Act, the two McCarran Acts, and the perennial Bricker Amendment.⁵⁵ Of these, at least Taft-Hartley may be ascribed actually to a reverse

⁵³ An observation dating from the early part of the first session of the 80th Congress, as then reported to the writer by Taft's auditor.

⁵⁴ A remark made at an executive session of the House Foreign Affairs Committee in April, 1953, as reported to the writer by a committee member present. In question were the new Administration's views on form and character of legislation to extend the foreign aid program.

⁵⁵ Other items which reached the point of passage include the tax reduction measures of 1947 and 1948, the first tidelands bill in 1947, and the natural gas and basing point bills of 1949. Of course, there have been infinite numbers of amendments to, adjustments in—

sort of presidential initiative—Truman choosing *not* to propose action in an area where momentary public sensitivity was certain to evoke response of some sort from the 80th Congress. Indeed, such a “reverse” initiative on issues known to generate more current heat than a Congress was likely to withstand has relevance for other instances as well, if more a matter of necessity than choice in, say, the Bricker case. Of course, where heat is less intense, a withholding of the initiative is likely to be *directly* effectual. Had Eisenhower’s 1954 program called, say, for substantial reform of the immigration laws, one may assume that facing an election there would have been a ruckus in the Congress; lacking a White House lead, reformers’ efforts did not make a dent. In such cases, the presidential silences no less than statements may serve to delineate the actionable issues.

But note that setting an agenda is not the same thing as enforcing it; selecting issues for consideration is not equivalent to having bills enacted into law. For evidence one has but to review the course of any recent congressional session. As a matter of fact, the most institutionalized aspects of the President’s involvement in the legislative process are precisely those least concerned with actual campaigning for his program once presented: legislative programming and legislative clearance, *not* legislative in-fighting and signal-calling, day-by-day. To be sure, periodic White House meetings with congressional party leaders have become the norm; agendas prepared for the President in Truman’s time; minutes kept as well in Eisenhower’s. And Eisenhower has established in his entourage an Army-type liaison operation, its several staff aides covering each corner of the Hill on regular patrols.⁵⁶ But formal leaders’ sessions tend to be ambassadorial encounters; organized liaison tends to create its own chores, if not, indeed, to confuse liaisons’ loyalties. So far as one can judge from the outside, it remains true in Eisenhower’s time—as in Truman’s and F.D.R.’s before him—that when the chips are down, there is no substituting for the President’s own footwork, his personal negotiation, his direct appeal, his voice and no other’s on the telephone. Naturally, such methods cannot guarantee success; to overwork them would be self-defeating; to institutionalize them may well be impossible. Yet these, not programming devices, must bear the weight, provide the test, of presidential “domination” over Congress.

Indeed, a presidential purpose to control the congressional *product* may actually be impeded, not advanced, by legislative programming as presently

and sheer denials of—Administration proposals, over the years, as matters of distinct congressional initiative, oppositional to presidential purposes or claimed intent. But these are in a different category. The fact that Presidents are now so largely raisers of the issues does not signify that they are safe from penalties for having done so; quite the contrary, both in and out of Congress.

⁵⁶ These liaison aides also engage in special forays on particular legislative and personality problems. Rarely if ever before has White House staff coverage of congressional moods, wishes, activities, and foot-dragging spread so wide, so consistently. Of course this enterprise has yet to stand the “acid test” of repetition in a new regime. Roosevelt, in his later years, and Truman were distinctly cool to organized, continuing staff effort of this sort.

evolved. Those massive, annual presentations have a tendency to blur the public impact of particulars, scatter attention, divert interest—as with Eisenhower's messages of 1954, or Truman's, year by year. Regularized repetition tends to dilute the dramatic; focussing effects of personal appearance and appeal. White House sponsorship spread wide tends to reduce the import of each presidential label. Manifold commitments tend to complicate the task of striking particular bargains. Multi-item programs tend to encourage score-keeping by parties, press, and public, ordinarily with the result of stressing losses over gains on a strict by-the-numbers basis.

For a President pledged to adventuring in controversial areas and anxious to obtain results at given sessions, these can be handicaps; a case in point is the Truman situation *circa* 1946 (or 1949). On the other hand, of course, a President desirous of holding new departures within bounds may find sufficient compensation in a practice which permits him to stress his program's sum more than its parts, to express caution on particulars in a context of general affirmation: Eisenhower's case, apparently, in 1954. And when a President is in a position to use Congress less as action-instrument than whipping-boy, the compensations may be great indeed; so Truman found before the 1948 election.

In Truman's second term there were some unavailing doubts expressed within his entourage about the practical advantage of proceeding, post-election and then post-Korea, with a presentation technique improvised initially for 1948. But Eisenhower's aides now seem entirely satisfied. "The program layout is a good thing for a President," one of them told the writer, "it keeps him from looking too negative when he has to oppose some grandiose scheme cooked up on the Hill. This way there's his own roster of affirmative positions to point back to . . . the country knows he's not just 'agin' things." Of course in Truman's years the shoe was mostly on the other foot, the "grandiose schemes" coming from the President, expressions of resistance from the Congress. One's aims and circumstances make one's case. It is quite understandable that skepticism should have grown in Truman's entourage after 1949, while dwindling in Eisenhower's after 1953. As a commentary on programming's variable contribution to the art of presidential leadership, that difference speaks volumes.

But whether or not always advantageous in those terms, the annual presidential inventory and its attendant mechanics have now become so rooted in responsibilities of office, so customary in the view of press and public, so satisfactory to the Congress, so institutionalized in the executive, that major alteration of the present pattern, much less its permanent abandonment, would appear no light matter for a President, nor likely. The present incumbent can be presumed to lack incentive for a break-away; quite the contrary, to judge from what occurred in 1953. Of course, one or another of his successors may not turn out so comfortably circumstanced—imagine F.D.R. in his first years encumbered by such ponderous proceedings. Yet that a future President could simply shoulder them aside remains improbable on all the evidence accumulated in the last decade. The F.D.R. of 1946 would have been subject to compulsions virtually unknown (or unrecognized) in 1933, many of his own making. And these

are backed now by accustomed practices each year becoming more entrenched—not only as responses to congressional and public expectations, but as prime means to policy decision and control in the executive. To disavow them now might be to trade more flexibility with Congress for fewer hand holds on departments—this difficulty among others.

Still, in such matters these are never certainties. Conceivably, the time will come when a new President, pressing the Congress hard for measures of great moment and high controversy, finds it imperative to dramatize that enterprise by ostentatiously departing from the tradition of formal, comprehensive programs. Past Presidents have focussed national attention on their aims by introducing novelties in presentation: Wilson's recapture—and F.D.R.'s resumption—of the personal appearance before Congress; Roosevelt's special messages, bill drafts, and fireside chats. Now that all prior innovations have been lumped together into customary practice, what else remains for innovation's sake, than its abandonment? A paradox, perhaps, but paradoxes have been commonplace in the development of legislative programming.

V. PRESIDENCY AND LEGISLATION: AN AFTERWORD

In this paper, together with its predecessor on the growth of legislative clearance, an effort has been made to trace the institutionalization of certain aspects of the President's role in the legislative process, involving essentially elaboration of three constitutional prerogatives: his duty to recommend, his power to veto, and his right to the opinions of department heads. Among other things, this tracing can be taken as a case study in presidential staff development. And while that has not been the major purpose of these papers, a few notations on the point appear in order by way of addendum to them both.

Two things emerge from the whole history of legislative staff work in this area: First, there are no laws requiring a President to build or use the staff facilities as actually evolved, or any other, for that matter; the growth which has occurred and now survives has been organic, not a graft. Second, the central feature of that growth is nicely balanced interaction between an intimately associated member of the personal entourage and a particular segment of the institutional entourage, the latter constantly in touch with other segments and with agencies—on the one hand, the Special Counsel to the President, and on the other, Budget's office of Legislative Reference.

With regard to the lack of legal form, contrast the Budget Bureau as originally established in-but-not-of Treasury, or the Council of Economic Advisers, or the National Security Resources Board of recent memory, or the National Security Council, each thrust into the presidential orbit from outside, fixed in form and in form changeable only by act or acquiescence of the Congress. Experience with all those organizations suggests the relative inflexibility, sheer awkwardness, of such arrangements amidst changing circumstances, needs, and Presidents: the Budget finally dislodged from the Treasury after eighteen years of ambiguity; the CEA worked into satisfactory patterns of association after seven years of internal uncertainty and external hostility, or plain indifference;

the NSRB painfully evolving, first by statute, then attrition, finally disestablishment, from a cabinet committee to a staff unit differently empowered and differently named; the NSC growing in stature—possibly more than utility—ever since the Soviets' first atomic explosion, and thereafter subjected to much mechanical tinkering in efforts, so far vain (a judgment from outside), to make a cabinet mechanism approximate staff.⁵⁷

That CEA's *external* relations were ultimately altered quite informally in 1953, that NSC may yet be turned, somehow, into a staff equivalent—such things would simply seem to reinforce the point. New times and new personalities are bound to call forth adaptations in the presidency's ways and means; power *without* organizational prescription makes the process infinitely easier and—to judge from legislative programming and clearance spheres—the product no less adequate. Naturally, there are numbers of pragmatic reasons why Congresses and sometimes Presidents may be attracted or impelled toward statutory forms, but one doubts there are any reasons justifying cheers from political scientists. In terms of organization for policy "development," "coordination," and "control," it might be well to let our Presidents alone; here is an instance where they have not done so badly.

Turning to that other aspect of legislative staff work, the interaction between White House and institutional aides, note the careful balancing of functions and relationships. Legislative Reference can assure the Special Counsel ample research and negotiatory assistance, ready-to-hand, for purposes of planning or reviewing legislation. He, in turn, can assure Legislative Reference a direct channel to the President, a steady source of political advice, and, as need be, political protection or a place to pass the buck. He keeps his intimacy as a personal assistant, without the incubus of a large staff; Legislative Reference keeps its distance as an institutional establishment, without losing close contact. Legislative Reference also retains independence as executor of its own (technically, the Budget's) presidential mandate, serving other members of the

⁵⁷ The Budget Bureau, originally created in the Budget and Accounting Act of 1921, was formally transferred to the newly-established Executive Office of the President by congressionally-approved reorganization plan in 1939. The Council of Economic Advisers, established under the Employment Act of 1946, was revised by reorganization plan in 1953 to the extent of vesting administrative powers and advisory responsibilities in the chairman rather than the membership. Some changes in CEA's external relationships were accomplished less formally at the same time. The National Security Resources Board, created by the National Security Act of 1947, was altered by the National Security Act Amendments of 1949 which transferred all administrative and advisory powers from the ex-officio departmental members to the presidentially-appointed chairman. In December, 1950, NSRB's post-Korean coordinating powers were transferred by executive order to the Office of Defense Mobilization, established for the purpose by the President. In 1953, remaining NSRB functions went to ODM by reorganization plan. The National Security Council was also established by the National Security Act of 1947. Its heightened activity after 1949 followed a significant legal change, reduction of the Pentagon's statutory membership from four to one (and statutory addition of the Vice-President) by the National Security Act Amendments of 1949. Since then, there have been various non-statutory elaborations of working membership and methods.

entourage on call, or, if need be, the President himself, and keeping school no matter what. Meanwhile, the Counsel retains freedom to consult whom, how, and when he pleases, working out his own salvation in the legislative sphere and undertaking manifold *ad hoc* assignments from the President for other services besides.

This staffing pattern is not precisely typical, but it appears remarkably protected from disabilities afflicting those more generally in vogue. The large-scale, special-purpose staff group in the White House proper is likely to find itself in an anomalous position, the more so with each increment of personnel. That certainly was the case with the Harriman office in 1950-51. One wonders about Stassen's enterprise, and Rockefeller's at the present time.⁵⁸ Such units risk becoming neither fish nor fowl, their intimacy compromised by the activities of numerous subordinates, their initiative and freedom for maneuver cramped by lack of institutional independence. On the other hand, the pattern of a sub-cabinet committee-with-secretariat, presided over by a White House aide—as with the present NSC Planning Board, the Council on Foreign Economic Policy, or the Operations Coordinating Board⁵⁹—does not appear, by all accounts, free from that bane of interdepartmental undertakings: the search for lowest common denominators of agreement as substitute for an appraisal in approximately *presidential* terms. Perhaps this can be cured by lively applications of White House initiative in committee discussion and debate, but past experience is scarcely reassuring.

Whatever the demerits of the legislative pattern—for such, review the record previously presented—these, in particular, seem to have been avoided. That is no mean advantage for a presidential staff pursuit; an advantage enhanced by the fact that it has involved no large-scale organizational creations. Legislative Reference, from within the Budget, has been able to draw upon a wide variety of other staff resources both on its own account and for the White House, thus notably enhancing its capacities without enlarging its personnel. Given a staff total of some 500 “professionals” in Eisenhower's entourage *outside* the White House proper, there is much to be said for a device which can regroup and utilize, *ad hoc*, those already on hand—this not for sheer economy, but to shield Presidents from suffocation by the presidency.

And it may be suggestive that the staff innovation under Eisenhower which this writer, at least, would count currently most rewarding approaches very closely—though not consciously, perhaps—the main lines of the pattern in the

⁵⁸ Averell Harriman functioned for somewhat more than a year as a Special Assistant to the President, with considerable staff of his own, before receiving institutional status and statutory workload as Director for Mutual Security under the Mutual Security Act of 1951. Harold Stassen and Nelson Rockefeller were appointed Special Assistants to the President in 1955, the former to work in the reduction-of-armaments field, the latter in an undefinable area of foreign relations. Both have recruited sizeable staffs of their own.

⁵⁹ Dillon Anderson, a Special Assistant to the President, now heads the Planning Board of NSC. Joseph M. Dodge, the former Budget Director, heads the CFEP, also as a Special Assistant; Nelson Rockefeller is a member of the OCB; its chairman, though, is the Undersecretary of State, for obvious reasons of relationship.

legislative field: namely, the relationship prevailing between Gabriel Hauge, Administrative Assistant to the President for matters economic, and Arthur M. Burns, Chairman of the Council of Economic Advisers: another tandem operation, balanced, mutually beneficial, quiet in its workings, and, apparently, effective.

These notations are put forward here for what they may be worth to any interested machinery-makers in or out of government. In that regard a final note appears in order. Among other things, what gives this legislative staff work its vitality and staying power, year after year, Administration after Administration, is its orientation toward one of the cardinal decision-and-action-forcing processes in contemporary government. Involved are matters flowing to and fro between executive and Congress, rising toward the surface of attention as they break branch lines, which have to (or then can be made to) cross the President's own desk for definite decisions *by dates certain*: the content of his legislative program, the phrasing of his congressional messages, the legislative views of his department heads, the enrolled bills requiring his signature or veto. It is hardly to be wondered at that during Truman's years such matters became focal points for policy development, especially in the domestic sphere. Save for the operational compulsions of diplomatic crisis, or hot war, or home emergency, there are no other work-flows so compelling of decision *on a constantly recurrent basis*—except, of course, those in the budget process. And it would seem no accident that the sole staff facility with a still longer history of demonstrated staying-power is the estimates arm of the Bureau of the Budget.

COMPARATIVE POLITICS OF NON-WESTERN COUNTRIES*

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There is wide recognition that in the non-Western world profound social and cultural changes are taking place as traditional societies have been exposed to the ideas and the ways of the West. There is also general agreement that new political patterns and relationships are evolving in these countries. However, with respect to most non-Western countries, it remains difficult to foresee whether the consequences of social change are to be stable, viable political practices or endemic instabilities in government. In many cases, it is still an open question whether the future will bring them a liberal democratic form of politics or some type of authoritarian rule such as communism.

This state of affairs can be a challenge to the comparative method of political analysis. This is particularly so because most of the non-Western political systems have many features in common. They are generally the product of a traditional past in which the administration of government was the preserve of a select few. Many show the influence of a previous colonial rule, some even that of the same country. More important, they are often quite self-conscious about the problem of moving from a definite past to an idealized future. In looking to the future, most of them see themselves developing in the same general direction: toward some variant of the Western model of government and politics. All of them feel it necessary to have in time parliaments, cabinets, political parties, and institutions which had their origin in the West. Even when not impressed by Western ideals, they seek to adopt concrete Western practices and techniques. To the student of comparative politics, this suggests such questions as: Why does one country tend to develop in one direction and another in a different one? Why are some Western practices or institutions more fully followed than others? And why in some cases are there roughly congruent patterns of development?

The pace of change in most of these countries during the last decade has been such as to make these questions matters for empirical investigation and not just speculation. The fact that many of these societies have set for themselves targets of achievement makes more conspicuous the actual record of their progress. Of course, it is not for the student of comparative politics to set up the model of Western politics as the standard these countries ought to follow.

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By the term "non-Western" the sub-committee has in mind those areas of the Far East, Middle East, Africa, and Latin America which are in various stages of reaction to the introduction of Western institutions and practices.

However, he can find methodological advantages in the fact that many of these societies have accepted particular Western institutions and practices as their explicit goals for development. At the same time, the researcher must be aware that the Western model is far from an unambiguous one. His task, as will be seen, includes discovering the numerous ways in which the West has been perceived by different peoples.

The distinctive characteristic of the non-Western societies is not just that they are in a process of change. Indeed, the incidence of change in many fields may be far greater in Western industrial societies. The important fact is that outside the West the transitions are far more abrupt and the contrasts with the recent past are far sharper. For several generations, Western influences have been working on the traditional societies and the results are cultural conflicts that have as yet not been resolved. In most of the non-Western societies, there are spheres in which Western influences dominate, while there are others that have hardly been touched. Change has thus been a far from uniform process; it has produced divisions and cleavages which affect the political life of the entire country. An extreme example of such a division, to be found in most of these societies, is the attempt by people who speak and think in a Western language to share a common political destiny with tradition-bound peasants.

This is, of course, the problem that makes the politics of non-Western countries a distinct category for study. It is, however, only at the most general level that we can speak of the non-Western societies as having this common problem. At such a level of generality, it is necessary to ignore the rich varieties of traditional cultures and also to overlook the numerous different ways in which Western influences have been introduced into these societies. Thus, although the basic category of tradition-oriented societies can be of great help in posing the essential problem for comparative study, once analysis begins it is necessary to become sensitive to the differences among cultural heritages. Traditional forms have a life of their own and certainly by no means all of them have been weakened by Western influences. The old is not simply being replaced by the new; the resilient forces of tradition are capable of rejecting and modifying many Western patterns.

Likewise, the particular historical conditions under which Western methods and ideas have been introduced in the different non-Western societies are relevant in explaining comparative developments. There are, first of all, differences in the auspices under which Western influences were introduced. In some cases, the agent was Western rule in the form of colonialism; in others, it was the activities of private Western individuals and organizations. In still other cases, the Western impact was mediated through a native elite. There are, secondly, differences in the spheres of life in which the Western influences were most clearly felt. In some cases, it was directly at the level of government; in others it was mainly in such fields as education, commerce, or religion that Western practices and ideas made the initial inroads. Thirdly, there have been differences in the intensity and the duration of Western influences. Some traditional societies have been exposed to Western ideas for a long period of time,

but only in a mild form, while in others the impact has been of a vigorous character over a short span of years.

Such differences as these must be respected in attempting comparative studies of the current politics of particular non-Western societies. They are the first factors that must be recognized in seeking to understand the different patterns of development.

I. THE POLITICAL PROCESS

We have suggested that the comparative method may be most fruitfully employed in the task of understanding differences in the developmental tendencies of non-Western countries. We would now like to suggest that the researcher concerned with this general problem can best proceed by viewing the politics of the different non-Western countries as a process in which definite groups and individuals have various political roles. The direction in which the politics of a country will develop over time is likely to be determined largely by the day-to-day interaction of the various elements that make up its political processes. This is not to deny the value of more specialized studies of particular institutions or political groups. However, in order to foresee the general direction of development in such countries, it is necessary to appraise the significance of such particular elements in the total complex of their political life.

In proposing that studies be made of the total political processes of non-Western countries, we are encouraging an approach that has been of value in understanding Western politics, and more especially American politics. At the same time, we would like to indicate that there are some differences between the political process in the West and that in the non-Western societies. These differences should guide the researcher and condition his expectations.

① In the first place, the political process in most non-Western countries is characterized by a high rate of recruitment of new elements into political activity. These societies are developing out of a past in which their governmental activities were limited primarily to the actions of traditional autocratic rulers or the few practitioners of colonial rule. Under these conditions, there was restricted participation in the making of political decisions, at least above the village level. Popular discussion of the values and ends for which the administrative machinery might be legitimately used was not sanctioned. In the traditional autocratic societies, officials were guided primarily by inherited values and considerations. In societies with a colonial past, major decisions were made either in the mother country, by a government responsive to a different political process, or by colonial administrators who viewed themselves as technicians of government and not as politicians. In both cases, there was no formally recognized arena for the discussion of public policy or for the open clash of political forces. There was instead a quite informal and highly personal form of politics, characterized by family solidarity, a high degree of nepotism, forms of favoritism, intrigues, cliques, and "getting the ear" of officials who controlled the administration.

At present, these societies are experiencing an expansion of the area of

recognized political activity. Increasingly, people who do not belong to the administrative apparatus are becoming involved in influencing public policy. Many of them have new ideas about the direction in which their societies should develop and on how the machinery of government should be employed. Differences in the conditions under which the new participants are being introduced to political action can lead to differences in attitudes among them.

This leads to a second characteristic of most non-Western political processes: the lack of consensus about the legitimate forms and purposes of political activities. The fundamental cultural conflict between traditional beliefs and Western influences has gone far toward destroying the earlier bases of political consensus, and the increasing number of participants complicates the conscious attempts at developing a new consensus.

One of the basic problems for the researcher, then, is to analyze the forces that may be most significant in contributing to or disrupting the evolution of a new pattern of consensus. He will be concerned with discovering the distribution of attitudes and behavior which may in time become institutionalized, and which will provide compatible orientations on the appropriateness of means and ends of political activity.

It should be noted that in some non-Western societies having Westernized leaders there may appear to be a stronger basic consensus than actually exists. The disappearance of a particular leader may reveal that the people have been held together only by their common response to a charismatic personality. In several of the newly independent countries of South and Southeast Asia, we may be observing a high point of political stability now. In the future, as charismatic leaders die or their charisma wears thin, there may be a period of greater fluctuation before a more impersonal form of consensus can be achieved.

The prevalence of charismatic leaders is a third characteristic of most non-Western political processes. There are several reasons why charismatic leaders are likely to appear in such societies. The cohesive force in the nationalist movement in the newly independent countries often requires such a form of leadership. At a more fundamental level, the process of breaking from a traditional past creates attitudes that are strongly inclined toward accepting charismatic leaders. Indigenous ruling houses and aristocracies are rapidly losing, or have already lost, an authority sanctioned by supernatural beliefs. A withering of the deep emotional roots of respect for traditional authority is taking place which leaves habits of obedience free-floating, in search of new attachments. In the meantime, the slow spreading of education of a rational character and the scarcity of media of mass communication retard the development of a new consensus based primarily on intellectual persuasion. In such periods of transition, charismatic leaders are likely to fill the vacuum.

A fourth difference between the political process in the West and that in non-Western societies is that in the latter there is likely to be a lower degree of integration in the actions of the participants. Indeed, in some non-Western societies there appear to be several nearly autonomous political processes. In particular, there may be little relationship between the political activities that

take place at the village level and those that occur at the national level. Communications may hardly exist between the national elite and the local leaders, and the great masses of the population may only vaguely comprehend the policies of the national government. However, as the scope of governmental activities broadens, more policies expressing the political roles of the urban elite are likely to have an impact on the life of the villagers. The area of decision-making that was previously based on local consensus may be narrowed. In the absence of direct participation of the masses in the political process at the national level, the pressures from the central government and the capital are likely to clash with the local forces. These clashes may, however, be absorbed and reconciled by an intermediate group of leaders, adept at understanding and mediating between the two sets of positions. The researcher should give particular attention to the role of these "middlemen."

A fifth general difference is that the actors in the political process in Western societies are likely to have more clearly defined and more specific roles than those in non-Western societies. In the latter, with less complete divisions of labor, there is generally a high degree of substitutability of roles. Thus, in some such countries military elites can become governments, while in others scholars—regardless of their field of competence—become rulers and administrators. The researcher should be aware that in non-Western societies many of the politically active people do not necessarily act according to a narrow definition of their functional roles. In non-Western societies, particular individuals may have many different and even apparently contradictory roles, and thus it is often difficult to predict how such individuals are likely to behave with respect to specific issues.

Another closely related difference is that the political process in the West is generally composed of more formally and explicitly organized interests than is the case in non-Western countries. For example, in American politics there are few interests that are not formally represented by some form of organization. In contrast, the researcher should expect to find in non-Western countries a far greater degree of informality and many interests unrepresented by concrete associations.

Finally, a general characteristic of the political process in non-Western countries is that all the potential political elements do not usually manifest themselves in a continuous manner. There is thus an element of latency in the politics of such countries, with many aspirant elites able to enter the political arena only in a sudden, erratic, and often violent way. The possibility of unorganized and generally inarticulate segments of the society suddenly finding expression contributes to the potentially explosive nature of politics in some non-Western countries. In the West, regardless of how weak they may be, most potential interests are manifest in the political process and thus a continuous form of adjustment of relative power is possible. In some non-Western countries, the peasants, for example, have no way of constantly indicating their political demands, and the result can be sporadic peasant revolts of great violence, reminiscent of the *Jacquerie* in earlier European political development.

Similarly, mob action can occur in urban centers. Once these forms of political behavior have spent themselves, they may again disappear from the active political arena.

These, then, are some of the distinctive characteristics of the political process in non-Western countries. They may serve as helpful hypotheses for guiding the researcher. They suggest that, in general, he will find the political process in such countries less stable and less predictable than the form of politics he knows in the West. In his field work, he will be concerned with discovering how these systems tend to operate and what their future course of development is likely to be.

II. THE FIELD WORKER'S PROBLEM: A STARTING POINT

The question of the desirable training a researcher should have before he goes into the field is beyond the scope of this paper. Presumably, he is a political scientist interested in comparative politics. His general intellectual equipment should include a familiarity with the theories and techniques of modern social science. He will benefit from an awareness of the insights and logic of legal and institutional analysis, and the theories and methods of anthropology and sociology. Most important of all, he should be familiar with the recent literature dealing more specifically with political behavior.

In terms of the particular area he intends to study, the more he knows of its geography and history, its political, economic, and social organization, and its literary heritage, the better. Such background preparation should permit him to spend the period of initial adjustment in the field in reviewing his knowledge and testing his stereotypes against the impressions conveyed by reality.

After this early start at getting the "feel" of the country, the question arises as to what would be the most useful starting-point for the study of the political process. Several considerations suggest that it might be desirable to begin by a survey of the governmental structure. Since traditional political science was concerned primarily with such matters, it may be presumed that in the literature on the country he will already have been introduced to its general outline and its historical antecedents. He will now be trying to determine the place of the formal government and its administrative apparatus in the country's political life. He will, of course, be fully aware that the governmental structure may have little relationship to the main currents of politics in the country. There is, indeed, in most non-Western countries, a façade quality about governmental structures, particularly those that have been adopted from the West. Structures can be copied—and often are, owing to their formal attractiveness—but in most cases it remains to be seen whether they will perform the same functions in the new settings. The researcher should try to ascertain to what purposes the formal institutions are in fact being put. In particular, he should be alert to the variety of functions to which similar structures can be adapted in different countries. Thus, for example, cabinet appointments in one country may be used for the same patronage purposes that postmasterships or ambassadorships are in another, with the result that the function of the cabinet is something other than

the making of important decisions. Parliaments need not perform a representative role; they may be a helpful device for facilitating the personal politics of an elite.

Notwithstanding these considerations, the researcher should seek to ascertain the actual role that the formal government does play. Regardless of how weak these structures may be, it is still of great importance to determine what their real role is in the making of decisions. In the case of former colonial countries, many of them did have highly-developed administrative services. These were often directed by technicians concerned primarily with rational efficiency, in terms, of course, of the colonial power's interests. The question arises as to what changes may have taken place in their operations with the increase in popular participation in politics. The effects of such general political activities on the administrative apparatus may foreshadow the direction of future developments.

There are three techniques which the researcher may find helpful in trying to understand the place and function of the formal structure of government in the political life of the country. By using any of these techniques, the researcher should also be able to accumulate data that will be of value for a more detailed study of the country's political process.

The first approach is that of making a few simple case studies of how important governmental decisions have been or are being made. It is not expected that he should make a detailed or complete appraisal of all the forces that may have played a part in producing the decision. Rather, he will be seeking to determine how those in the government as such and competent outside observers explain the way in which the decision was made. From such case studies, the student will be able to form a better estimate of the actual importance of officials and departments of government. He will also be learning about the important sources of political influence outside the government.

The second technique can be called the line approach, in which the field worker seeks to determine the fate of a policy decision through the channels of administration. In particular, he will be concerned with the relationship of officials at the national level with those at the provincial and the village level. Through such an exercise, the field worker may learn something of the extent to which affairs at the local level proceed independently of actions at the national capital. He may also discover the ways in which the local officials are responsive to both grassroots opinion and the dictates of national politics. Thus he may begin to test hypotheses about the existence of several almost autonomous political processes and the possible relationships among them. He will be in a better position to appraise the extent to which the national elite is representative of the local elements.

A third approach for estimating the place of the formal government in the broader politics of the society is that of testing the actions of the government against the social functions governments generally are expected to perform for a society. One such function is the maintenance of law and order and the guarantee of a degree of basic physical security for the individual. Another function is

that of providing various forms of public services and carrying out programs of public works. Certain problems of social welfare are also usually considered a concern of governments. With a list of such functions in mind, the researcher may observe the extent to which the particular formal government he is studying actually performs these functions for the society, and the extent to which they are taken care of informally outside of governmental channels. It is as dangerous to underestimate the role of formal government in some non-Western countries as it is to overestimate it. As a result of his appraisal of what functions the formal government does or does not perform, he will have a better idea of its position in the total society.

III. GROUPS AND INSTRUMENTALITIES

Having mapped the governmental structure and observed it in action, the researcher will have prepared himself for an examination of the broader political process. He must now turn to the people who through their behavior will determine not only the fate of particular institutions but also the future form of political development in the country. To do this, he must identify the important actors or groups who make up the political process. He should be guided by his previous knowledge about the particular society, his awareness of the types of groups which political scientists have generally found to be important in other societies, and what he learns from observation once he arrives in the field. It can be expected that he will start with the groups which are most conspicuous in the political life of the country, and in the process of his more detailed investigation he may come across others that are more important than is generally recognized.

By groups we mean not only special interest groups but also functionally or analytically distinguishable elements in the society that are composed of individuals who because of their roles, their functions, and their backgrounds are likely to have a common orientation toward politics. A group may be formally organized or not even informally united. Indeed, as indicated above, one of the characteristics of the political process in most non-Western countries is that there are few explicitly organized and fully manifest groups.

In many non-Western countries, it is necessary to consider as forming politically active groups those persons who hold positions in what are viewed in the West as the relatively neutral instrumentalities of government. Armies and civil bureaucracies may seek to dominate directly the country's political life and not recognize any limits to their role in making decisions. Outside the government, there may be few institutions that seek a politically impartial role. Even the ideals of an unbiased press or a non-political school system may not be recognized. Thus the distinctions between pressure groups and the agencies or instrumentalities of government may not exist.

In most non-Western societies, there are groups that are not to be found in the West. And, of course, groups named after their Western counterparts may have quite different political roles. The list of groups the researcher makes will depend upon the country he is studying. Researchers in different countries

need not adopt the same list; the purposes of comparison will be satisfied if the same general approach is used. The following groups are cited for illustrative purposes.

Westernized intellectuals and students. Westernized intellectuals may be assumed to be of peculiar importance as the transmitters of new ideas and attitudes in non-Western societies. It is thus of particular significance to determine how they are employed in the society and whether they constitute a generally recognized element in the country's political life. It should be noted that in spite of their exposure to Western ideas, they may not always be in direct conflict with the traditional elites. Also, a sense of personal frustration can be a major factor in determining their political activities. Through their introduction to Western knowledge, they may have been imbued with democratic ideals for their country's development but may in time have become discouraged and impatient with persisting conditions. The inability of the society to absorb them on the basis of their talents and skills can encourage them to champion extremist movements. Also, in many non-Western societies, university students have an active role in influencing the general climate of political opinion and occasionally in the actual making of political decisions. Strengthened by the culture's deference to learning and knowledge and often coming from well-to-do families, students of such countries have a more direct role in politics than do their Western counterparts.

Parliamentarians. In many non-Western societies, those who held elective posts or who have been appointed to legislative positions may not play the role of representing public opinion or of participating in policy-making in any direct sense. However, their actions in attempting to give weight to their positions may do much to determine the fate of representative institutions in the country.

Party leaders and professional politicians. The task of organizing and holding together political parties appears to be a peculiarly difficult one in many non-Western countries. The attempt to make parties into something more than just the personal followings of individuals requires the acceptance of impersonal standards of allegiance that may be foreign to the culture. Indeed, the basic cultural conflict within these societies (and within the minds of the individuals who make them up) means that those who would organize democratic parties must have extraordinary skills. They must seek to communicate their values and their policy views in a way that is meaningful to the diverse elements in the society. The difficulties in creating political parties are emphasized by the fact that few non-Western countries have effective opposition parties to challenge those who control the government.

Military and police. It is, of course, generally well recognized that in most non-Western countries the military and the police play a far more important political role than do their Western counterparts. Army leaders have few of the organizational and allegiance problems of party politicians. The very nature of a military organization means that the army is often the only disciplined group in the country capable of effective action.

Civil servants and bureaucrats. The process of change that has brought about increased public participation in politics has placed the civil officials in many

non-Western countries in an ambivalent position. Many of them were trained to their roles under conditions of autocratic rule. Their personal prestige was maintained by the power of a colonial government or an autocratic ruler. In redefining their sense of loyalty, they may look outside the structure of the government service. It will be important to determine how the relationships within the bureaucratic hierarchy are conceived. The extent to which these are mainly of either a personal or an impersonal nature can suggest much about the likelihood of the country's developing a politically neutral civil service.

Village leaders. These may be appointed headmen, traditional chiefs, or simply informal leaders. The importance of looking for the differences between their attitudes and those at the national level has already been mentioned.

Communicators. These are the people who perform functions in the mass media or who in the semi-literate areas have the role of providing information about public affairs. The manner in which they tend to structure issues and their points of view are important factors in the political process. It should be noted that in many non-Western countries there are several communication systems, since the mass media do not directly reach large segments of the population. Moreover, in the West the mass media generally can perform the function of presenting information about issues, so that both the masses and the more politically sophisticated can to a significant extent form their own judgments in spite of differences in the manner in which they conceptualize about politics. Of course, there are exceptions, and among both intellectuals and non-intellectuals there are those who feel insecure until they learn the position of particular journalists or newspapers. However, in many non-Western countries, where particularistic attitudes are common, many more people tend to depend upon certain definite sources of information for their opinions. Also, language barriers within a country and high rates of illiteracy may make the mass media incomprehensible to large numbers of people, who have to depend upon more informal sources for their information.

This is only a partial list, suggesting the types of groups we have in mind. Other equally important groups include the peasantry, the educators, religious leaders, the nobility, economic elites, the merchants, labor leaders, trade guilds, and the secret societies. A group important in one political setting may not be essential to the political process in another; thus the groups to be studied cannot be determined except by finding out empirically which ones do in fact have roles which make them a significant part of the political process.

After the field worker has identified the important groups, he will want to analyze the manner in which each of them is oriented to politics. To do this, he will have to obtain answers to the following types of questions:

1. How do they view their own role in politics?

How do they identify their own interests? What values do they seek through political action? What sacrifices do they feel they are making by being politically active? What is their sense of political responsibility? How do they conceive of the gap between aspiration and reality? Whom do they consider to be their political enemies, and why?

2. How do they understand the operation of the political process?

How do they explain political developments? Is it the work of a few men behind the scenes? The work of "fate"? Of moral law?

3. What is their concept of "skill" in politics?

What means of influencing others do they consider to be most effective? Who do they think has to be influenced? What are the foolish kinds of political acts? What are the socially unpermissible ways of behaving politically? What ways have social sanction?

Here again we are only suggesting the types of questions that the researcher will be interested in answering. In order to obtain his answers, he will have to observe the behavior of the various groups in terms of their responses to current and actual political issues. His first lead is how members of the various groups stand on the issues. He should try to determine what the "logic" is behind their position. It is to be expected that he will be interviewing members of the various groups and that, in doing so, he will seek to find out what their expectations are about the behavior of the members of other groups. From such questioning, he will obtain the data necessary for understanding how they view the political process.

A second major category of questions to be asked about the identified groups has to do with the means by which they command influence. It goes without saying that unless a group does have some ways of influencing others, it can have little effect on the country's political development. It should also be noted that the means a group does have for influencing others may be a major factor in conditioning its entire orientation toward politics. The fact that a particular group is unable to command any of the recognized and institutionalized means of political influence in the society may encourage it to adopt extreme and unpredictable measures. One of the characteristics of many non-Western societies is that there are only a few generally recognized instruments of political influence and these are the monopoly of a small elite. The researcher should be particularly sensitive to the fact that with the changes in social and class structure now taking place in many non-Western areas, there are likely to be many changes in the form and types of influence on the society. Certain techniques of influence may be losing their effectiveness, while others are now possible. Increases in literacy can bring about changes in the ability of various groups to capture a mass following.

With these considerations in mind, the researcher will seek to answer the following types of questions: At what levels of the administrative apparatus do the different groups seek to influence policy decisions? Do most of the groups seek to bring pressures to bear at the same general level, or do some groups work mainly at one level, while others work at another? Is it significant if most people ignore the legislators in order to concentrate on particular members of the bureaucracy? Do most groups ignore the formal apparatus almost entirely and seek to maintain their influence and realize their objectives by other means? Are some groups seeking to develop new forms of influence? Who controls the media of mass communication? Who has command of the various forms of violence?

Since we are interested in the future development of politics in the country being studied, we are also concerned with the stability of the particular groups and the expectations that they will in time change their character. This means that the researcher should be concerned with the recruitment processes of the separate groups. Thus, although certain traditional groups may at the moment still have great influence, the researcher should be careful to note whether these groups are still able to obtain suitable recruits and whether these young recruits have the same orientation as the older leaders. Also, for the more Westernized groups, there may be great differences between those who first became politically active and those who are following in their footsteps. For example, it might be expected that those political groups formed by Westernized leaders during the period of colonial rule might change their character as in time they fall under the control of others who have been Westernized but were not a part of the struggle against the colonial power.

The manner in which new members are recruited into the various groups is particularly significant in those non-Western societies where there is an increasing demand for popular participation in political activities. How easy is it for individuals to become recruited? How strong a commitment is expected? How knowledgeable about political matters do they have to be in order to become active? It should be recognized that the conditions under which the individuals are introduced to the idea of political action may have an effect on their subsequent political behavior. Those who are introduced to political action through the exigencies of war and social chaos are likely to have somewhat different notions about politics than are those who learn about proper standards of political behavior in civics courses.

IV. THE DYNAMIC FACTORS

It will have been noted that in the above discussion we have been interested in the characteristics of groups both as a means for understanding the behavior of particular groups and as a guide to the more general characteristics of the political process as a whole. This follows from our initial assumption that the nature of a country's political process is determined largely by the interaction of the various actors in it. Thus, out of the behavior and attitudes of these groups in their relationships with each other come the patterns and norms that make for distinctive types of political processes.

We would like now to suggest four particular attributes of groups which appear to be the most significant in producing different types of political processes. We feel that these four dynamic factors may be critical in shaping the future form of politics in most non-Western countries, and that an analysis of them can assist the researcher in foreseeing what are likely to be the "rules of the game."

First, there are the *interests* which are basic in determining and defining the actors. Second, there are the *issues* which appear to be of predominant importance in the country at the time of study. The field worker will be looking for those issues which evoke the maximum sense of involvement and which few

groups or individuals who are significant in the political process feel are unimportant. Third, there are the *values* which are conceptions of the desirable, influencing the behavior of individuals and groups who are or might become significant in the political process. Fourth, there are the political *styles* of those active in the process. These are blends of the rational and the emotional which characterize the approach of individuals or groups to political action and which influence the techniques and skills that they develop in trying to realize political success.

Interests. In the process of identifying the groups, the field worker will have been determining what types of special interests are represented in the country's political process. The types of interests and the terms in which groups tend to define their interests can suggest a great deal about the kinds of political relationships that are likely to appear in the society.

In the case of non-Western societies, it is particularly important to note whether the interests that are most effectively represented in the political arena are mainly those common to the traditional social order or those that are the product of social change. The emergence of new social and economic classes as the result of the Western impact may create interests that are still unorganized. Thus, for example, an industrial wage-earning class may not as yet have effective trade unions to represent its interests, and the workers may continue to see their political interests in terms of more traditional associations.

If important groupings in the society view their interests in terms of ascriptive considerations, such as racial or ethnic differences, or according to strict class distinctions, there may be great difficulties in achieving harmonious adjustment. These concepts of interests may lead to rigid attitudes and deep tensions that can dominate the political life of the country.

In many non-Western countries, the interests of a national elite in creating a greater degree of centralization can clash with sectional interests and produce separatist movements or demands for greater local autonomy. The underdeveloped nature of communication and transportation systems in some countries may serve to strengthen traditional provincial loyalties. Thus, in spite of strong nationalistic currents among the urbanized elites, there may be less apparent but equally significant counter-forces in the areas distant from the capital.

The ability of groups to conceive of their interests as transcending narrow class or personal considerations can also affect the operation of the political process. The researcher should be particularly alert to the tendencies of groups to conceive of their interests in relation to generalizable objectives that may directly benefit more than just the immediate members of the group. In many non-Western countries, the hope for a democratic form of politics depends largely upon the appearance of more groups capable of respecting such broader interests while at the same time working for the well-being of their members.

Issues. When we ask the field worker to ascertain the issues important to those who are politically involved in a country, we do not have in mind that he should be searching for the fundamental problems which may be common to

all societies. Rather, we have in mind the problems which at a particular time generate the concrete questions that dominate the political life of the country. Therefore, we expect that he will find the issues which the greatest number of people have the strongest feeling about, and which affect either the setting of the political process or important elements in it.

The particular issues themselves may sometimes be of great importance in understanding and predicting developments in a country's political life. In such cases, the researcher would be interested in analyzing how these issues have arisen and how they are likely to be resolved. For example, the issue may concern the organization of the formal apparatus of government, a constitutional problem. The very existence of such an issue can become a primary factor in determining an important feature in the future political setting. On the other hand, an issue regarding a course of policy which, if carried out, would destroy the political power of particular groups may be of equal intensity.

However, whether or not the people in a society feel that they are faced with issues of such dimensions, it is still important for the researcher to try to isolate those questions which are recognized as most important. He will need to do this in order to be able to collect his data on how individuals and groups are oriented toward politics. In most cases, people can express their attitudes and expectations about politics only by discussing concrete issues. Thus, in carrying out interviews, it is usually necessary to question respondents in terms of particular issues meaningful to them. From their responses it is possible to discover evidence of what kind of logic they use in thinking about political action and how they tend to formulate their conclusions.

In addition to the significance of particular issues for analyzing political behavior in general, the very quantity of important issues may be a significant factor in characterizing the political process. The prevalence of a large number of apparently minor or secondary issues may mean that certain fundamental questions which sharply divide the society are being avoided, at least for the time being. Many potential interests are not effectively organized while, of course, existing elites may artificially create issues as one of their means of maintaining power.

Values. This is not the place for a detailed discussion of value theories. However, since the distinctive feature of non-Western politics as a field for study is the basic cultural conflict taking place in these areas, the researcher must be especially sensitive to problems related to changing value patterns in the society. He should realize that these changes may be only imperfectly and irrationally mirrored in the political life of the country.

The problems of studying values empirically and systematically have been covered in the recent literature of anthropology. Only a few points of guidance to the field worker can be attempted here.

The researcher should be aware that the value patterns of a culture may not always form systems and can be just congeries. Thus, when he finds certain changes in some spheres of behavior which suggest the adoption of Western values, he should not come to the conclusion that in other spheres traditional

values have necessarily been greatly weakened. What appear to the researcher as anachronisms may or may not be the source of real tension.

The researcher will be aided if and when symbols and slogans have been formulated and are currently used in making the values explicit. Yet he should not be misled by their currency or their absence. Some values may be deeply felt without much or any explicit articulation. With the spreading of media of mass communication and their utilization for propagandistic purposes, the circulation of slogans and the diffusion of symbols may acquire a great velocity without necessarily indicating much about the scope and intensity of the values they express. *Liberté, Egalité, Fraternité* or the Republic of Indonesia's *Pantja Sila* may or may not accurately reflect the French or Indonesian value-system.

Indeed, it might be surmised that human beings have a tendency to shelter, by leaving implicit and unarticulated, some of their most securely held central values. It is not an easy task to determine the relationships of those values that may be articulated in the political life of the country and those that are deeply implanted in the culture. For example, what for one generation may be an issue, perhaps strongly controversial and eliciting serious social tensions, might later be accepted and transmitted by society as a value. What was concrete and immediately present may thus become an abstract standard, influencing orientations toward other issues.

To illustrate, equal representation may be a hotly disputed issue in a political system practicing a restricted franchise. Intensive political action may precede its elimination in favor of universal suffrage. Equal representation may then cease to be a political issue, but will remain operative as a standard usable in solving some other issues.

Also, value changes can take place without the direct support of any particular group. Democracy or welfare may become operative ideals in a society with no particular group explicitly championing them. Only indirectly will new issues ever be introduced and realignments take place among the groups as the result of widespread acceptance of the new values.

The findings of anthropologists on the values of the culture being studied can be of great help to the researcher, but he will often have to use them with care. There may not be a simple and direct expression of such social values in the political arena. For example, the ideal of harmony and moderation has been basic to many features of Chinese culture, yet the prevalence of violence has dominated the history of modern Chinese politics.

In spite of these difficulties, the researcher cannot ignore the question of the relationship between the political process he is studying and the general culture and ethos that surround it. In particular, with countries where the division of labor is not highly advanced along functional lines, the importance of general cultural values in guiding political behavior is likely to be greater than considerations that are directly related to specialized activities.

Styles. By political styles, we mean the manner in which political action is carried out, both as it is affected by the actors' rational understanding of the nature of politics and as it is affected by his emotional responses to the political

situation. Political style is influenced by expectations about what kinds of behavior are likely to be effective and what kinds are self-defeating. It is also influenced by the non-rational factors which condition human relations in general. Presumably, certain groups—depending upon how they are oriented toward politics—are more likely to rely upon one political style than another. However, at the level of characterizing total political processes, it is possible to distinguish certain dominant political styles.

It should be noted that styles include far more than just the means by which a group seeks to achieve predetermined goals. Often a group's style can determine its goals; the content of a politician's ideology can be a function of his calculations of what kinds of programs are likely to be effective.

There are several reasons why political styles may be particularly important in studying the politics of non-Western countries. Where the very character of political action is undergoing change, political styles are less likely to be ritualized and emergency styles can set the future tone of politics. Also, in Western politics most of the participants represent quite clearly defined interests; hence it is not too difficult for them to predict each other's major actions. In non-Western countries, with group interests less clearly organized and functional differences less of a factor in determining political roles, groups are likely to be less stable and thus actions less predictable. The participants are often inclined to employ highly elaborate calculations in trying to determine how the others are going to behave. Out of these calculations can come political styles which dominate the very character of the group.

We are not now prepared to set up a typology of political styles; we can only attempt to make the researcher sensitive to this dynamic factor by suggesting some examples and why they may be significant in understanding a particular system and in comparing it with others.

Since most of politics is related to conflict, the question of violence may often be near the surface in any political process. Thus, it is possible to distinguish among various political styles according to the presence or non-presence of violence. One political style may seek in every respect to minimize and eliminate any action which might be suggestive of violence, as is the case with much of British politics. Another style may be characterized by a high degree of symbolic violence but never include physical violence. Such is the style of many American politicians, who speak of "fighting," "throwing out," and the like, without in fact physically attacking their opponents. Again, there is a political style which accepts physical violence and even encourages it, but always for a definite purpose and with selected targets. This style is to be found in some Communist behavior, in earlier periods of Mexican politics, and in some phases of Chinese politics. It is the actors themselves who, on entering the political arena, accept the expectations that they are assuming personal risks. There is also the indiscriminate form of violence: instigating mob actions for their demonstration effect, without singling out opponents as specific targets.

At another level, there is the distinction between the highly manipulative

style and the "steam-roller" style. In the first case, the expectation is that political objectives can best be gained through narrowly focused and highly discrete maneuvers. By influencing a few key elements, results can be obtained; by slight adjustments and the minimum of direct force, major changes can be made. The steam-roller style is based on the assumption that great force is necessary for limited objectives, and that too much pressure is never a danger because people never change their positions unless forced to, an outcome which can best be achieved by placing them on the defensive.

Related is the difference between the style which concentrates on realizing only a limited number of objectives, which are given the highest priority, and the style which seeks to work on many objectives so as to have support for those that are most important.

There is also the difference between the political style associated with a highly personal approach to politics and that associated with an impersonal one. In the personal approach, the emphasis is on the development of and reliance upon quite personal relationships. Without personal contacts, one cannot have political influence. In the case of the less personal approach, it is assumed that general issues and values are enough to get political support.

There is also the difference between the style of those who employ a highly elaborate set of calculations about the operations of politics and those who accept a more straightforward explanation of political developments. One may seek to "over-interpret" and place great importance on things which are irrelevant, while the other may "under-interpret" and hence ignore important considerations.

A very important political style is that employed by those who view politics as a bargaining operation in which every *quid* has its *quo*. Shrewdness in making deals and trades is prized and there is an expectation that one must give up something to get something else. In contrast, there is the political style based on the assumption that any bargaining is immoral and that negotiations are likely to result in "deals." One's political posture should be determined by more absolute values. Thus virtue is identified with steadfastness.

There is the difference between the style of those who assume that what shows on the surface has little relationship to the inner workings of politics, and the style of those who respond almost entirely to the open issues. In the one case, silence and inconspicuousness are prized, while in the other it is the dramatic and vocal that are important. There is the political style which is characteristic of an aristocratic form of politics, in which the actor seeks to indicate his detachment from the masses and thus gain their respect and support. In contrast, there is the style in which the actor seeks to minimize any differences between himself and the masses.

It is for the field worker to determine the political styles that are dominant in the particular country he is studying. It may be noted that in general some political styles are more likely to be common to non-Western countries than others. In particular, personalized forms of relationships are more likely to be trusted than impersonal ones. The bargaining techniques of the market place

are often accepted as being politically respectable. There are often strong tendencies to "over-interpret" and to attribute openly devious motives to others. Grandiose public promises may be easily made, while private pledges are scrupulously observed.

V. THE SYNTHESIS: TYPES OF PROCESS

An analysis of the various groups or actors according to these four dynamic factors should reveal the extent to which there exist certain common standards that guide the behavior of most of the participants in the country's political process. At this stage we come to another aspect of the political process in most non-Western countries which deserves special consideration—that of consensus. As we indicated earlier, there is generally a high rate of new recruitment in the political life of most non-Western countries, and this raises the important question of the extent to which these participants have a sense of identity with those who are making important decisions.

Political consensus, as we use the term, denotes the condition of *conscious* involvement in the political process, where members of a territorial group or community feel the right and/or obligation to participate in the determining of a particular political decision. It manifests itself as a common denominator of attitudes felt to be *consciously* arrived at by and acceptable to the group or community as a whole. In the establishment of this collective decision the role of the individuals of the group or community will vary greatly, and their influence will generally be highly disproportionate. However, some sense of participation in its formation will be felt by the membership as a whole, even though the initiative and major impulse behind the decision derive from the activities of a very few, or conceivably of a single individual.

The areas of decision-making where political consensus is operative may vary greatly from group to group, and from community to community. In other words, the area of consensus-based decision-making traditional within one group or community may be quite different from that in another. The more authoritarian the character of a group or community, the smaller its area of political consensus is likely to be. Our knowledge of the limits of the area of consensus in a group or community can shed light on the extent to which its inner articulation is authoritarian, and likewise can be helpful in assessing the distance between elite and mass within it.

At the village level it may sometimes be possible to plot the area of decision-making in which local political consensus is operative with sufficient precision to warrant the delineation of a sort of profile of political consensus. It is possible that some of these profiles will be sharp enough to allow of comparison among villages.¹ Similar, though less complete, data should be obtainable for urban areas, where effective sampling techniques can be developed. If ultimately suitable examples can be obtained of the operation of political consensus at both village and urban levels within a country, it may be possible to derive from the

¹ Research carried out in Java during 1954–55 with which one of the authors has been associated suggests the possibility of this.

sum of this data reasonably valid generalizations which provide some understanding of the character of that country's overall pattern of political consensus. Once such a pattern has been delineated, it should be possible, insofar as it is accurate, to deduce from it some understanding of certain related aspects of the country's political process. Also, it may prove that the consensus patterns of different countries can be compared.

In addition to establishing the *areas* of political consensus, the researcher will have a major interest in ascertaining the *process* or *system* of consensus formation. In what way are consensus-based decisions arrived at? In a great many non-Western societies, particularly at the village level, this process—though well institutionalized—is often more subtle and difficult to observe than is the case in the West. Here the Western-trained researcher is likely to encounter consensus-based decisions which resemble more closely the Quaker “consensus of the meeting” idea than the simple numerical majority decision usual in the Western environment. In fact, to many non-Western groups accustomed to decision-making based upon unanimous accord, it is difficult to understand how majority decisions are compatible with the minimum degree of inner harmony required by the group or community. The process of consensus formation above the village level will generally be more difficult to trace, especially in those societies where it is not highly institutionalized. However, where it is feasible this approach may yield rewarding insights into the overall political articulation of the society.

The general approach we have outlined is one that can provide a framework for cumulative studies leading to comparative analysis at several levels of complexity. Individual researchers may attempt the study of only one or more of the political groups in particular countries. By conceiving of their subjects as actors in a process, they will be able to examine hypotheses about the factors which condition their orientation to political action. The results of the individual studies will be in a form that will make possible meaningful comparison with other studies along the same line. It will then be possible to explain better the variety of political orientations that groups with similar social functions may have in different settings. Differences among the behaviors of the Westernized intellectuals, the economic elites, the military, and other groups in different non-Western countries will be better understood. Hypotheses about the conditions that lead to changes in political orientations will be tested. The relationship between social and economic change and political expectations will become more clear.

As more field work is carried out in particular countries, it will be possible to get a better understanding of the total operations of their political processes. If we can say for any given country at any given time: these are the issues that matter, these are the potentially or currently active groups, these are the guiding values, this is the political style, much of significance will have been accomplished. We might then be able to relate all this to the actual functioning of the governmental apparatus, and perhaps even predict how this will affect the lives of individuals and the stability of the system.

As this is done with respect to more countries, it will then be possible to compare total political processes. This can be done by developing typologies that cover the various kinds of political processes that have been studied. These will be empirical typologies based on empirical analysis—not the product of speculation. At present, we are able to characterize the politics of non-Western countries only by such vague and general terms as “unstable” and “unpredictable.” It may be expected that on the basis of research along the lines suggested here, we will be able to distinguish various kinds of “instabilities” and thus better predict the directions of political development.

Once we are in a position to compare the various non-Western systems with each other and with the different Western systems, we may have the basis for a more general theory of politics. Such a development could do much to reinvigorate the discipline of comparative politics.

In the nineteenth century, the comparative method was widely, though crudely, applied. The reason is fairly obvious. Social scientists worked with broad evolutionary schemes. Comparisons were used to illustrate developmental sequences. This came to an end with the accumulation of overwhelming evidence proving that unilinear evolutionism was not defensible. Deeper philosophical currents favored pluralism as against monism. An emphasis on the uniqueness of human events as contrasted with the repetitiveness of phenomena studied by the natural sciences reinforced the swing of the pendulum. Cultural relativism was only one result of this intellectual climate, although perhaps the most interesting. All this led to an excessively monographic approach. Tribes, communities, or nation-states were and still are studied as isolated entities. What were and still are presented as comparative studies or textbooks amount to little more than an editorial assemblage of discrete studies or the impressionistic use of comparisons and contrasts for purposes of illustration.

The traditional strength of comparative politics lay in its early development of such categories of governments as monarchies, aristocracies, and republics. Once these original typologies no longer seemed so meaningful, new ones were not developed. Attention shifted to particularistic studies or philosophical analyses of ideologies. Advances in the behavioral sciences have been accepted by students of comparative politics, but the result has not as yet been a major reorientation of the field.

As we said at the beginning, we feel that the study of the political process of non-Western societies can be a challenge to comparative politics. These are political systems that are undergoing conspicuous changes. While we no longer expect to arrange social and political systems in an evolutionary sequence, we are vitally concerned with the patterns of political development in societies that have set as their goal the liberal democratic model of politics. Thus both a scientific and a moral-political purpose may be served by the development of a systematic comparative politics.

A SUGGESTED RESEARCH STRATEGY IN WESTERN EUROPEAN GOVERNMENT AND POLITICS*

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If one compares the literature on American government and politics with that which concerns continental Europe, it is quite evident that the two fields of study in the last decades have proceeded on somewhat different assumptions as to the scope and methods of political science. This divergence is of relatively recent origin. Before World War I a substantial number of leading American students in this field had their training in European centers of learning, and brought back with them the rich tradition of European historical, philosophical, and legal scholarship.

With noteworthy exceptions the study of continental European political institutions still tends to be dominated by this historical, philosophical, and legal emphasis. The continuity of scholarship in the continental European area has been broken by the two world wars, by totalitarian regimes, by enemy occupation, and by the persistence of internal antagonism and cleavages. With the exception of a few years in the 1920's, the entire era since World War I has been one of catastrophe or the atmosphere of catastrophe in which scientific inquiry and the renewal of the scientific cadres could be carried on only for short periods, under the greatest handicaps, and with inadequate resources.

In the United States, beginning after the First World War and stimulated in some measure by the great European innovators such as Ostrogorski, Bryce, Weber, Pareto, and Michels, the conception of the scope of political science began to undergo a significant change. This development occurred in an experimental and pragmatic way, and with little theoretical explication. As American political scientists discovered that governmental institutions in their actual practice deviated from their formal competences, they supplemented the purely legal approach with an observational or functional one. The problem now was not only what legal powers these agencies had, but what they actually did, how they were related to one another, and what roles they played in the making and execution of public policy. In this respect they were plowing more deeply into ground which had been broken by such English political scientists as Bagehot and Bryce.

Once having departed from the legal framework and method, they began to probe into the non-legal levels and processes of politics, and a substantial literature developed including—in addition to realistic and functional analyses of the presidency, the courts, the Congress, and the bureaucracy—studies of non-legal or semi-legal institutions and processes such as political parties, pressure groups, public opinion, and political behavior.

* This report was prepared by a sub-committee of the Committee on Research in Comparative Politics of the Social Science Research Council. Gabriel A. Almond acted as rapporteur.

While this impairment of the unity of the Western European-American tradition of political science is of relatively recent origin and is by no means irremediable, its consequences at the present time are to make comparisons of political institutions and processes as between the European and American areas most difficult. With all its breadth and technical resourcefulness, the branch of political science dealing with American government and politics has been unable to escape a kind of parochialism in which the insights into our own process which can come only from comparison tend to be lost. And with all the refinements of European legal scholarship, the richness of the European historical tradition, and its philosophical and theoretical sophistication, that branch of the political science discipline which deals with continental European government and politics has not been able to escape a certain alienation from reality which always results from too great an emphasis on the formal aspects of institutions and processes.

There has indeed been a continual process of communication between American, British, and continental European scholars, and the contributions of the many European political scientists now teaching in American universities have gone far toward bridging the two fields and combining the merits of both. But a fair appraisal of the state of the two fields cannot escape the conclusion that a great deal more can be done toward reestablishing a common approach and a more effective sharing of methods and insights.

At another level the impulse for this memorandum arises from more urgent and practical considerations. The survival of parliamentary and democratic institutions on the European continent is by no means to be taken for granted. The political communities of the major Western European countries—France, Germany, and Italy—are fragmented into exclusive ideological movements. Large bodies of opinion appear to be alienated from the West, politically apathetic, or actively recruited to communism. The legal-historical-philosophical approach, which characterizes the scholarship dealing with these countries, is not by itself adequate to discover how serious these cleavages and alienations are, for by admission the basic problems of civic loyalty and political cohesion lie in large part outside of the formal governmental framework. Other methods and approaches are necessary if we are to have a proper understanding of the causes of the persistent evils of continental European government and politics—instability, stalemate, and the alienation of large elements of the population from the political community.

What is proposed here is not a sharp innovation, but rather the strengthening of tendencies on both sides of the Atlantic which are already moving in this direction, increasing the resources available for this type of research, concentrating such resources as are, or may become, available more effectively, and facilitating a more effective exchange of insights and skills. Thus both European and American students in this field are already moving into these unknown and partly known areas, and demonstrating the richness and usefulness of this approach. What we suggest here is a broad research strategy which may multiply those efforts and give them more coherence than they now have.

I. MAJOR TYPES OF RESEARCH NEEDS

In appraising the state of knowledge on the continental European area we may distinguish a number of different types of research needs. First, there are legal institutions and processes, about which literally nothing is known. Second, for the most part our knowledge of formal governmental institutions is primarily historical and legal in character, and there have been relatively few studies of the actual functioning of these institutions. Third, there is the whole field of the non-legal political institutions and processes—parties, pressure groups, public opinion—where research is only in its beginnings. And finally, these areas of ignorance, differences in approach, and unevennesses of development make difficult if not impossible those higher levels of comparative analysis without which genuine understanding is impossible. The comments on these types of research needs which follow are intended to be illustrative rather than exhaustive.

Areas of ignorance. While much is known about public administration in the United States, England, and to some extent in France, only the barest legal essentials are known about the contemporary administrative and judicial systems of Germany and Italy. On the European continent, with noteworthy exceptions, the whole field of legislative organization and procedure is a *terra incognita*. At this level of the simple absence of any knowledge whatever, the situation varies sharply from country to country. Most is known about English governmental institutions, but surprisingly enough the state of knowledge in most of the Commonwealth countries is extremely inadequate. In Germany and France we are beginning to get studies of legislative procedure and organization, but in Italy not even the elementary facts of legislative organization are known. Of all the great powers on the continent, Italy presents the most massive gaps in knowledge, due, no doubt, to the 20-year Fascist interruption of research and training.

Thus, a scholar concerned with comparing even on a purely formal basis the organization of governmental powers for the continental European countries would find whole areas in which the basic data are lacking on the legal structure, and where the simple leg-work of drawing such information from working manuals and legal and administrative codes is still to be done.

The functional approach. Once one begins to ask about the actual role and functioning of the executive, the bureaucracy, and the legislature, and their interrelations in the continental European countries, an even more serious research need becomes obvious—the absence of realistic studies of the operations of governmental institutions. This is only in part to be explained by the fact that France, Germany, and Italy are all operating under postwar constitutions, and that the continuity of their scholarship has been interrupted by the events of the last 30 years. The work now being done, with noteworthy exceptions again, is still dominated by the historical and legal-analytical approaches. The task here is not simply that of reconstructing legal structures from codes of one kind or another, but of looking at these constitutions in a different way, of employing observational techniques, and of making case

studies of the legislative and administrative processes. While this approach is relatively new in the United States and England, there is nevertheless a rapidly accumulating monographic literature describing the internal organization and functioning of governmental institutions, their interrelations with one another, and the impact of the party system on them. On the European continent the scholars employing such techniques stand out by their uniqueness. Here the research need is one not only of the accumulation of data, but also of the sharing and development of skills.

Non-legal institutions and processes. There are significant phases of the political process in the major countries of Western Europe which have been studied hardly at all by European or American scholars. In the United States studies of public opinion, political communication, pressure groups, and political parties are relatively well advanced both in methodological sophistication and substantive findings. European scholarship has a strong tradition only in the study of parties and electoral sociology, and even here there are serious limitations of resources and of trained personnel. Studies of pressure groups are only in their beginnings, and modern methods of public opinion research have not as yet found widespread acceptance in European university circles.

Thus the scholars who deal with European political systems are seriously handicapped in dealing with the causes of cabinet instability, the fragmentation of the legislature, and the general problem of political *immobilisme*. They lack the scientific tools which would be required to trace the extent of fragmentation of the political community, beyond the legislature and party system into the network of social groupings, and the attitudes of the general population. They tend to stop with the political parties and to extrapolate these tendencies into the political community itself. Some evidence suggests that such speculative conclusions are unsound. To take the French case as an illustration, the percentage of the vote received by the French Communist party has held up since the end of the war, while membership in the party and in the Communist-dominated CGT and the circulation of the Communist press have dropped drastically. This would suggest that a large part of the Communist vote is a negative, or protest vote, and that there is at least the possibility of breaking the hold of the Communist party upon a large part of its following. But our thinking about this problem is seriously hampered by lack of fundamental knowledge of the distribution of political attitudes and the characteristics of political organization in France. We suffer from the same lack of basic information on Italy. And while the problem is of a different kind, our ignorance of political attitudes and political organization in Germany also prevents us from making sound estimates as to future possibilities.

There has thus far been no effective effort to utilize the substantial accumulation of public opinion data on France, Germany, and Italy. With all of its limitations the analysis of this type of material in the United States has demonstrated how useful it can be in suggesting hypotheses as to the structure of public opinion and its ideological characteristics and potentialities. Some of this material has already suggested the special meaning of Communist party

affiliation to the French and Italian working class and peasantry. Needless to say, if this whole body of data is analyzed together and compared with American and British patterns, it may yield a substantial number of new insights into the political processes in both the Anglo-American and continental European areas. If these data are analyzed in conjunction with studies of pressure groups and political parties, they may tell us something of the relationship between organized and articulate opinion, and latent feelings and moods in the population. It is from studies of these relationships between the moods and attitudes of groups in the population and the organized expression of group opinion and policy that speculation about the future of politics in these countries may become more informed and reliable, and a sounder appraisal be made of various efforts to effect these developments.

In this field of the newer "research technology" adapted to the study of political attitudes and processes American scholarship has the most to offer, just as it has most to learn from the European tradition of historical scholarship, philosophical depth, and theoretical refinement.

II. RESEARCH APPROACHES

These types of research needs may be met only by the application of a variety of methods, often used in combination, by a greater concentration of resources than is now available, and by a closer cooperation between European and American scholars. Obviously these needs cannot be met by a single research design. Some of the problems seem to call for fairly large-scale research efforts; others seem to lend themselves more appropriately to the efforts of individual scholars. There may be some value, however, in enumerating the main types of methods which might have their place in a broad program of research intended to fill these needs.

Historical studies. What has been said above should not by any means be construed as suggesting that historical research has no place in a research program on the Western European area. On the contrary, any research program which failed to place contemporary political developments in continuity with the past would lose one of the most essential dimensions of understanding. It would be hard to find a more important work in the literature of political parties than Ostrogorski's historical-sociological classic *Democracy and the Organization of Political Parties*. Unfortunately, there is nothing comparable to it in the historical dimension for the continental European countries. Certainly the history of European parties and political institutions is one of the most essential areas of research. But here the methodology and tradition are already strong, and the problem is mainly one of resources.

Institutional studies. The institutional approach is familiar to students of government and politics both here and abroad. What is suggested is a greater concentration of resources for the making of such studies, and the improvement of standards. The role of a particular institution or class of institutions such as the executive, the legislature, the bureaucracy, the courts, the political parties, and pressure groups, can be understood only if the institution is placed in the

context of the total political system of which it is a part. Hence, to understand the role of the political parties in a given country it is not enough to know their history, ideology, and internal organization. It is also essential to see them in their connection with the electoral process, the pressure groups, their constituencies, and their access to the agencies of governmental authority.

For the major countries of the European continent, while what is available is generally of high quality, there is only the beginning of a monographic literature on governmental and political institutions. The student of European government and politics is greatly handicapped by the absence of intensive studies of cabinet systems, bureaucracies, legislatures, executive-legislative relations, patterns of administrative regulation and adjudication, to say nothing of monographic studies of parties and pressure groups. Indeed, the research needs are so great that only an intensified process of scholarly training, and a large increase in the resources available for research, can begin to fill in these glaring gaps in the literature.

Process studies of public policy decisions. It has been found in American studies that one of the most effective ways of describing the functions or operational roles of political institutions is through the case study approach. What is meant by a process study of this type is an effort to reconstruct—through analyzing the documentation and the interviewing of participants—what actually happened in the course of consideration of a legislative enactment, what roles were played by the executive, the bureaucracy, the political parties, pressure groups, the media of communication, and public attitudes and behaviors, in other words, how all of these relevant factors interplayed to produce the particular legislative result. If through time we can accumulate a representative collection of such reconstructions of the political process in a given country, we can begin to develop a set of propositions about the general characteristics of the process, and the particular properties or roles of the institutions and agencies which are involved in it. Certainly our understanding of American politics has been greatly enhanced by such process case studies as those of Schattschneider, Bailey, Latham, Riggs, and Harold Stein. Case studies of this kind may be one of the most useful ways of developing our present knowledge of political institutions and processes on the European continent from its present formal limitations to a more faithful representation of reality.

Attitude studies. Students of European politics with noteworthy exceptions have been more reluctant than those concerned with American politics to utilize the methods and findings of public opinion research. Recent studies of elections and of attitudes towards various aspects of public policy in the United States in which such methods have been used have demonstrated convincingly that public opinion research can give us a dimension of the political process which is otherwise unobtainable. Thus the impressive studies of electoral sociology in France leave some of the questions unanswered as to the meaning of the political phenomena which they describe. Survey methods are among the most appropriate devices to gain insight into the condition of the political community. To be sure, the method is expensive. But it does not appear to be cost

which stands in the way of the use of this material; there is already available a huge accumulation of public opinion data in England, the Commonwealth countries, Scandinavia, the Low Countries, France, Germany, and Italy which political scientists here and abroad have hardly touched. It would be an unsound procedure to undertake new surveys of political attitudes in these countries until the accumulation of this material is carefully processed and analyzed. The main barriers to its use would appear to be those of skill and tradition. To overcome these barriers two techniques may be useful. First, studies demonstrating the insights and hypotheses which can be derived from these materials may have the effect of encouraging imitation. Second, collaborative studies undertaken by European and American scholars may facilitate the process of training in this particular method of studying political phenomena.

Community studies. If studies of political attitudes through the use of public opinion surveys represent an assimilation of social psychological methods and insights into political science, community studies represent an effort to employ social-psychological, anthropological, and sociological methods in combination to enrich our knowledge of the political process. Studies of community political organization and of attitudes are still relatively new in the United States, where the technique and approach developed. Where they have been done in Europe it has been the result of American initiative. What recommends their use, despite the fact that the approach is still largely experimental, is that they make possible "microscopic" investigations of the actual impact of political parties and other types of organizations, and of the meaning of party affiliation and of electoral behavior, at the grass roots level. A community study combines analysis of political institutions at the local level with direct observation of the functioning of the political process and with studies of the distribution of attitudes within different strata of the community. In other words, the scale is sufficiently small to make possible intensive study of the place of politics in the life of the community and of the significant groups which make it up. Obviously, an intensive method of this kind is costly and has to be used selectively. Its use is clearly suggested in problem areas such as Southern Italy, or the "Communist zones" in France and Italy, or in areas in Germany where nationalism or neo-Nazism are strongly entrenched. Studies of such communities will yield the best results if control communities are investigated at the same time, in order to isolate the significant variables.

* * *

This brief discussion of research needs in the European area and of the research methods appropriate to meeting them is obviously not a "research project," but rather a statement of a research strategy, and a series of suggestions as to possible tactics or methodological approaches. Some of the approaches suggested are novel and still experimental in the United States, but by and large the approaches proposed are familiar to both European and American scholars specializing in the European area.

Two main lines of action flow from these proposals. First, the above statement of research needs represents the considered views of only a small group of scholars concerned with the field. It will be essential to explore the views of other members of the profession both here and abroad in order to check on the validity of these views and the merits of the proposals. Here, seminars and conferences in which both European and American scholars would participate seem to be indicated. This procedure would have the merit of stimulating research along these lines, as well as enlisting the best minds in the field in a process of self-improvement and development. A second line of action would be the stimulation of research efforts on an individual scale, and of larger-scale comparative research designs where the problems lend themselves to this type of research effort. The Committee on Research in Comparative Politics of the Social Science Research Council hopes that both lines of action may be stimulated by this statement.

TRADE UNIONS AND THE BRITISH LABOR PARTY

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Almost all the recent work on the British Labor party has been concerned with analysis of the party's electoral performance or possibilities, interpretation and reinterpretation of party policy, or discussion of the ideological forces currently at work in the party. These studies have contributed greatly to our understanding of the policy of the party. But there have been only one or two recent works on the organization and composition of the Labor party,¹ and hardly any on the organizational and policy-making importance of the affiliated trade unions which make up its electoral and financial strength.² This is understandable in view of the fact that the trade union elements, unlike those in the party's political wing, have not generally provided the policy controversy upon which both publicists and academicians feed. But the strength and stability which the trade unions provide for the party are probably of more long-term importance than are the topical conflicts of the "political side."³

It is the purpose of this article to discuss the organization and functions of the British Labor party in terms of the formal and informal interrelations of the political and industrial elements, mainly during the years 1945-1953. Policy and policy conflicts are subordinated here to an institutional and statistical analysis of these interrelations.

I. THE TRADES UNION CONGRESS

The Trades Union Congress was one of the initiators of the Labor party in 1900, but it is not formally affiliated with, or part of, the Labor party. Rather, the T.U.C. is what might be called a confederation of affiliated trade unions⁴ that has among its objectives the very wide mandate "to promote the interests of all or any of its affiliated organisations or anything beneficial to the interests of past or present individual members of such organisations."⁵ Some little confusion arises from the fact that the organization as a whole is known as the

¹ The best and most recent is R. T. McKenzie, *British Political Parties; The Distribution of Power within the Conservative and Labour Parties* (New York, 1955).

² Two exceptions, both British, are: G. D. H. Cole, "The Labour Party and the Trade Unions," *Political Quarterly*, Vol. 24, pp. 18-27 (Jan.-Mar., 1953); and Ben C. Roberts, "Trade Unions and Party Politics," *Cambridge Journal*, Vol. 6, pp. 387-402 (Apr., 1953).

³ Party initiates speak of the "political side" of the labor movement as the constituency labor parties and the Parliamentary party, and of the "industrial side" as the organized trade unions.

⁴ In 1951 the 183 unions in the T.U.C. had 8,020,079 (84.6 per cent) of the 9,480,000 British trade unionists within their ranks, and the T.U.C. had close understandings with non-affiliated unions claiming a total membership of over 700,000. Thus about 92 per cent of organized labor is directly or indirectly related to the T.U.C. H.M.S.O., *Ministry of Labor Gazette*, Vol. 60, No. 11, p. 375 (Nov., 1952).

⁵ "Rules and Standing Orders," in Trades Union Congress, *Report of the 84th Annual Congress, September 1 to 5, 1952*, p. 560. Hereafter the annual report of the T.U.C. will be cited as *T.U.C. Report*, followed by the year.

Trades Union Congress and the annual meeting of delegates from the affiliated unions has the same name. The important elements of the T.U.C., in addition to the yearly Congress, are the General Council, and the General Secretary and his immediate staff.

The General Council is at present composed of 35 members, who are elected each year at the Congress. The fact of annual election, however, is of not much more than nominal importance. The "prescriptive right to office" is strong among the trade unions, and the elections are conducted under a system which insures that the nominees of the large unions will generally be successful; long tenure is therefore the rule.⁶

The Council, within the limits and directions established by the Annual Congress, has complete power to carry out the objectives of the T.U.C. and to protect its interests and the interests of its affiliated members. Among its specific "duties" as set forth in Rule Eight of the Constitution is the following:

It shall have authority to invest and administer the funds of the Congress and to make grants to any organisation or person, whether in Great Britain or abroad, for such purpose as it deems desirable, but in so doing it shall have regard to the directions, if any, from time to time given by Congress. It shall also have authority to raise funds for any special purpose and to invest and administer such funds and to make grants therefrom.

On the whole it can be said that the General Council uses its wide powers with confidence. There was no occasion during the 1945-53 period when action by the Council (as distinguished from advice of the Council) was repudiated by the Annual Congress—and only a few occasions on which the advice of the Council was ignored. The Council is composed, for the most part, of the top officials of the most powerful unions,⁷ and it usually has much more time than the delegates to present its case at Congress.

The General Secretary is the chief executive officer of the T.U.C. and the head of its bureaucracy at national headquarters. He is ex-officio a member of the General Council and "his salary and conditions of service shall be determined by the General Council." He is initially elected by the Congress, but "he shall remain in office so long as his work and conduct give satisfaction to the General Council and to the representatives attending Congress,"⁸ and in practice his position is even more secure than is that of a Council member.⁹

Walter (subsequently Sir Walter and then Lord) Citrine was General Secretary from 1926 until 1946, and it was the strength of his personality, combined with the carefulness and precision of his intellect, which made the position not only a powerful executive arm, but also an increasingly important source of policy-making. Sir Vincent Tewson, Assistant General Secretary under Citrine and now General Secretary, seems likely to maintain the power and prestige

⁶ Of the 31 members who left the Council between 1945 and 1952, 18 had served for nine or more years, and the average length of service for all 31 was 10.2 years.

⁷ Of the 35 members of the 1953-54 Council, 25 were general secretaries of their unions. *T.U.C. Report 1953*, p. 3.

⁸ "Rules and Standing Orders," *T.U.C. Report 1952*, p. 565.

⁹ In the 60 years between 1893 and 1953 there have been only six General Secretaries, and one of the six held office for only three years.

of the position. Unlike the Labor Party Secretary, who is not generally encouraged to present the Executive Committee's views at Conference, the T.U.C. General Secretary very often speaks for the Council on matters of the highest importance. It is not without significance that Sir Vincent's articles in *Labour* (monthly organ of the T.U.C.) are recognized as being the official policy of the organization.¹⁰

The Annual Congress is, nominally, the policy-making body of the Trades Union Congress. In practice, it reviews policy already made by the General Council and the Secretary, and lays down directives of varying specificity, within which the Council and Secretary carry out the business of the following year. This is, of course, the role which annual "policy-making" bodies normally fill, but it is well to emphasize that from the point of view of determining what shall be said or done in the name of the T.U.C. at any specific time or on any specific issue, the Council and Secretary are more important than the Congress.

Representation at the Congress is on the basis of one delegate for each 5,000 paid-up members of an affiliated union, and one vote is allowed for each 1,000 paid-up members. There is no prohibition of splitting the vote within a union's delegation; but the bloc vote, by which all the union's votes are given to the majority view in its delegation, would appear to be as frequently used (though not as frequently criticized) as it is in party Conference. Assuming the bloc vote, the concurrent-majority of the Big-Six unions (see Table I) would command slightly more than half of the total possible voting strength at the Congress; but in the T.U.C. as in the party the potential strength of the Big-Six is seldom seen because they do not normally agree on the important and controversial issues.

The number of motions submitted to each Congress is staggering, and most receive no discussion whatsoever. But the Council and the General Purposes Committee (the Congress steering committee) make every effort to encourage the delegates of the unions which have put down similar resolutions to formulate composite motions. There does not appear to be much criticism of the selection of subjects to be discussed.

II. THE TRADE UNIONS IN THE LABOR PARTY

The Constitution of the British Labor party provides for two classes of members, affiliated members and individual members. Affiliated members consist of: (a) trade unions affiliated with the Trades Union Congress or recognized by the General Council of the Trades Union Congress as bona fide trade unions; (b) cooperative societies; (c) socialist societies; (d) professional organizations which, in the opinion of the National Executive Committee, have interests consistent with those of other affiliated organizations; (e) constituency Labor parties and central Labor parties in divided boroughs; and (f) county or area federations of constituency Labor parties.

Individual members are any persons who "accept and conform to the Constitution, Programme, Principles, and Policy of the Party"; they join their local

¹⁰ Conversation with Mr. J. A. Walton, T.U.C. Press Officer, Nov. 23, 1953.

constituency party directly. They must, according to the Constitution, belong to a "bona fide Trade Union" if eligible. Although this requirement is difficult to enforce, it is likely that a large percentage—perhaps a majority—of the individual members (numbering 1,287,000 in 1952) are also trade union members. But this is not to say (a) that the individual members who are also trade unionists represent the official view of their respective unions, or (b) that the same persons will have leadership roles in both the party and their unions, or (c) that it is not possible, on some issues, to determine a clear divergence of view between the unions affiliated en bloc and the majority constituency members. For it must be remembered that the union's view includes a consideration of the views of all its members,¹¹ only a minority of whom in most cases will also be individual members of constituency parties, and that the individual members who shape the constituency parties' policy, even if trade union members, will not be thinking or acting primarily as trade unionists. Thus Aneurin Bevan is both a member of the National Union of Mineworkers and an individual member of the Ebbw Vale Constituency Labor party.¹² Bevan's case is clear: even though a member of the union and one of its candidates (because he is electorally popular and because, on most matters, he is a faithful representative of the miners), he represents the view not of the right-wing N.U.M., but of a large segment of the constituency parties. But for other individual members, whose views are given less publicity than Mr. Bevan's, it is much more difficult to assess the relevance of trade union membership.

And the question of trade union influence at the bottom of the organizational pile raises the more fundamental question of how much individual members, who are no more than members at the lowest level, share in making policy. This perennial riddle can be partially avoided by saying—as seems to be the case, but has never been proved—that trade union influence at the constituency level, stemming from dual membership, is negligible. The words "stemming from dual membership" are added because the unions can associate themselves with constituency parties in such a way as to influence policy. Local branches of trade unions affiliated with the national party may, and often do, affiliate at the constituency level; they may then send delegates to the party meetings and management committee. But the use made of this arrangement varies greatly from union to union. As one careful student of the movement says:

In general it would be true to say, with perhaps the exception of certain mining districts, that there has been no attempt by the unions to use their local organisations and officials for the purpose of dominating constituency Labour Party activities.¹³

At the regional level there are, on the purely political side, federations of Labor parties, and also regional councils (10 in 1952), which are consultative

¹¹ This is no place for a discussion of the representative nature of union policy; however arrived at, the views of non-party members as well as of party members must be considered.

¹² Bevan has his campaign financed in part by the N.U.M. and also receives £150 a year from the union. *The Times* (London), March 24, 1955, p. 7.

¹³ Ben C. Roberts, "Trade Unions and Party Politics," *Cambridge Journal*, Vol. 6, pp. 387-402, at p. 393 (Apr., 1953).

and coordinating in character and which include both the constituency parties and bona fide trade union branches or regional groups that wish to affiliate on that level. But these have little or no representation in policy-making bodies and it is safe to say that, whereas the federations (political only) may have some little influence on the party's policy, the regional councils (political and industrial) have almost none at all.

Passing from the individual members and geographical groups, we come to the areas in which the trade unions, as recognizable bodies, do have a large role to play in the making of party policy. The cooperative societies, socialist societies, and professional organizations may be quickly dealt with. Only one co-operative society (Royal Arsenal, with about 28,000 members) was affiliated during the period, and four socialist societies: the Fabian Society with 3,200 members in 1952; the Jewish Socialist Labor party with 2,200; the Socialist Medical Association with 1,600; and the National Association of Labor Teachers with 300; the total membership of these societies was 7,300.¹⁴ No doubt these groups, especially the Fabian Society, exercise power well beyond their numerical significance in the party, but the trade unions neither need to nor, presumably, want to use them as their own vehicles of influence.

It will be seen, then, that as far as policy-making is concerned, the importance of a union's affiliation to the party consists in (a) its right to representation at the party Conference on the basis of one delegate for every 5,000 votes and one vote for every member for whom an affiliation fee is paid, and (b) its right to elect, along with other unions affiliated, 12 of the 27 members of the National Executive Committee of the party.¹⁵

Annual Party Conference. It should be said again that the Trades Union Congress is, itself, not formally affiliated with the Labor party. It is in many ways closely associated with the party and besides being a parent of the party it is probably true that the T.U.C. General Council, on any matter wherein it is not itself fairly closely divided, could generate enough indirect pressure to keep the party in line. As G. W. Thomson, 1947 Chairman of the T.U.C. General Council, said at a party Conference:

To bring fraternal greetings from the T.U.C. to the Labour Party is very much like shaking hands with oneself. In the debates that have taken place here this morning there is a remarkable degree of similarity with the attitude of mind displayed in the T.U.C.¹⁶

Roberts goes even further in saying that "The most important source of trade union influence on the Labour Party . . . stems from the T.U.C. which is independent of the Party."¹⁷

¹⁴ Labour Party, *Report of the Fifty-First Annual Conference of The Labour Party*, 1952, p. 233. (Hereafter cited as *Party Report* [year]).

¹⁵ There are now 28 members, but for the period considered here the Executive consisted of 12 trade unionists, seven persons representing the constituency parties, five the women's sections, one from the socialist societies, the Treasurer, and the Leader of the Parliamentary Labor party as an ex-officio member. In 1953 the Deputy Leader of the Parliamentary party was given ex-officio membership on the Committee.

¹⁶ *Party Report* 1947, p. 145.

¹⁷ Roberts, *op. cit.*, p. 393.

Yet the T.U.C. has no formal role in making party policy. The answer to this paradox is, of course, that the same unions—all the large ones and many of the small ones—which control the T.U.C. also have a controlling interest in the party. In 1951 there were 183 unions with a total membership of 8,020,079 in the T.U.C.;¹⁸ in the same year 82 unions with a total affiliation of 4,937,427 had 82.2 per cent of the voting power at the party Conference.¹⁹

The figures in Table I give an indication of the strength of the largest unions. The 15 T.U.C. member unions which had over 100,000 members each in 1951 had 69.6 per cent of the membership of the T.U.C., and at the 1952 party Conference they held 62.1 per cent of the votes. More than that, the six largest unions had 52.5 per cent of the membership of the T.U.C. and 50.5 per cent of the votes at the party Conference. But before the importance of this situation is discussed, the figures on party affiliation in relation to T.U.C. affiliation should be considered briefly.

The percentage of the total membership which the unions affiliate is a product of two decisions. One is taken by the individual union member when he determines not to "contract out" of paying the political levy,²⁰ and the other is the unions' decision to pay party affiliation fees, at sixpence per member, on that portion of their levy-paying members which they choose. Thus the percentage of members which a union affiliates to the party might be an indication of the value which that union places on political, as distinguished from purely industrial, activity. But there are apparently so many factors which go into a union's decision on how many to affiliate that it is impossible to generalize. The left-wing unions do not seem to affiliate more than the right-wing (though it is true that left-wing unionism has not always identified itself with political action—indeed, the anarchist and syndicalist currents have opposed it), nor do the Big-Six seem to present a different pattern from the other eight which do affiliate. One might say, considering the non-affiliation of the Civil Service Clerical Association and the low affiliation of the National Union of Public Employees and the National Union of General and Municipal Workers, that the unions in the public service do not affiliate as large a percentage as the others, but then what could explain the very high affiliation by the Union of Postoffice Workers? And of course the miners are now in the public service and their affiliation level is the most baffling of all.²¹ It is clear, however, that the trade unions have the voting strength at Labor Party Conferences to determine

¹⁸ *T.U.C. Report 1952*, p. 62.

¹⁹ *Party Report 1952*, pp. 34, 59.

²⁰ Under the terms of the 1927 Trades Disputes Act the individual member had to "contract in"—that is, sign a separate form to allow the union to use part of his dues, the "political levy," for political purposes. Since the repeal of this provision by the Labor Government in 1946, a member must "contract out" if he does *not* want to pay the political levy.

²¹ The N.U.M. is said to claim that it declares its membership for the T.U.C. on the average number of members for the given year, but pays party fees for all members who pay any dues at all during the year. The suspicion is, however, that the large affiliation is an effort to increase its influence in the party.

TABLE I. THE FIFTEEN LARGEST UNIONS IN THE TRADES UNION CONGRESS AND THEIR AFFILIATION TO THE LABOR PARTY, 1947 AND 1951, AS PERCENTAGE OF THEIR T.U.C. AFFILIATION

Union	Total Members Affiliated to T.U.C., 1951	Total Members Affiliated to Party, 1951	Party Affiliation as % of T.U.C. Affiliation	
			1947	1951
Transport and General Workers Union	1,285,196	835,000	63.3	65.0
National Union of General & Municipal Workers	808,533	400,000	48.0	49.5
Amalgamated Engineering Union	756,149	586,246	82.0	77.5
National Union of Mineworkers	613,118	659,607	110.0	107.6
National Union of Railwaymen	396,257	316,898	62.7	77.2
Union of Shop, Distributive, & Allied Workers	347,737	317,000	87.5	91.2
Electrical Trades Union	197,958	120,000	19.2	61.7
Amalgamated Society of Woodworkers	196,200	129,256	61.3	65.9
National Union of Public Employees	175,000	45,000	32.1	25.7
Union of Postoffice Workers	155,602	146,959	101.1	94.4
Civil Service Clerical Association	146,904	(Does not affiliate to Labor Party)		
National Union of Agricultural Workers	135,000	70,800	54.8	52.4
National Union of Printing, Bookbinding and Paper Workers	134,517	25,000	(Affil. 1948)	18.6
National Union of Tailors and Garment Workers	131,525	97,452	69.6	74.1
Iron and Steel Trades Confederation	102,447	84,383	81.7	82.4

all party policy. The system of bloc voting (generally but not invariably used) only aggravates the possibility of union-made majorities.

While the potential power of the unions in the making of policy decisions at the Annual Conference is considerable and should not be underestimated, it is probable that the indirect influence on policy exercised by union control of the party's National Executive Committee is even greater. For, besides the likelihood that the Executive Committee makes more policy than the Conference, there is also the suspicion that it is easier for the top union leadership (e.g., the T.U.C. General Council members) to assure the election of their 12 candidates to the party executive—and once elected influence their opinions and voting—than it is for them to keep their several hundred delegates in line at the party Conference (in the face of the enthusiasm and rhetoric of the constituency delegates).

The National Executive Committee. The Labor Party's National Executive Committee meets monthly, or oftener, and makes policy decisions within the

general lines established by the Annual Conferences. When necessary it also makes new policy in the form of specific statements which, almost as a matter of course, receive the endorsement of the next Annual Conference,²² and in the form of comprehensive policy statements which serve as the basis for Conference deliberation and are invariably approved, though they may be significantly amended.²³

There is no doubt then that the Executive Committee is the heart of the mass Labor party (*mass* Labor party to distinguish it from the *Parliamentary* Labor party). Of its 27 members during the period under discussion here, 12 were directly elected by vote of the unions at the party Conference, seven by vote of the constituency labor party delegates at the Conference, and the five women representatives plus the Treasurer by whole vote of the Conference. (The single member elected by affiliated socialist and cooperative bodies, and the *ex officio* leader of the Parliamentary Labor party complete the 27.) Thus the trade unions, besides electing their 12 directly, have an 80 per cent majority in the votes for the five women members and the Treasurer.

It is likely that, during most of the period 1945-53, the trade unions did not exercise their latent power of controlling elections to, and voting within, the N.E.C. After the Bevanite group of six N.E.C. members began to emerge in 1951, however, the trade unionists came to think of themselves as a counter-bloc; and the 1952-53 situation was aptly described by one trade union member of the Executive when, commenting on the Bevanites, he said: "They filibuster for a while, and then we vote them down." Another indication of the seriousness of this split came to light when Mrs. Eirene White, a six-year member of the women's section of the Executive, refused to stand for re-election in 1953 because, as she charged, the trade union bloc would not tolerate any middle-roads on the Committee.²⁴

It is generally thought that the largest unions have an informal agreement as to representation on the Committee. Of the 15 largest affiliated unions, seven had representatives on the N.E.C. during the whole period, from 1945 to 1953, one for seven years, one for five, and two more for four of the eight years. Of the Big-Six, only the more left-wing A.E.U. did not have a representative on for the whole period. Of the 96 member-years, the largest 15 unions (18.3 per cent of all unions affiliated) held 76 (79.2 per cent).

In terms of longevity on the Executive, the union members have a slightly shorter average for the period—the 23 trade unionists with their total of 96 years had an average of 4.17 years, while the 24 non-trade union members with 104 years had an average tenure of 4.33 years. In a sense this is surprising, since the tradition of long tenure is stronger, in general, in the trade unions than in

²² See, for example, *Party Report 1949*, p. 24, for Conference approval of the Executive's statement on United Europe Committee, and *Party Report 1950*, p. 164, for approval of the statement on the Schuman Plan.

²³ E.g., "Challenge to Britain," 1953; "Labour and the New Society," especially p. 223 of *Party Report 1950*; "Labour Believes in Britain," 1949, especially p. 212 of that *Report*; and "Let Us Face the Future," 1945.

²⁴ Statement by Mrs. E. White, as given in *The Times* (London), Sept. 7, 1953, p. 4.

the party. But it may be explained largely by the party's constitutional prohibition of T.U.C. General Council members' holding seats on the Executive Committee. This arrangement is a reflection of both trade union and party feelings that the job of the General Council is largely industrial and that of the Executive largely political (with, of course, obvious overlapping). It results in the placing of what might be called second-string men (in authority, not necessarily in ability) on the Executive when the first-string union leader is on the General Council. Thus when T. Williamson of the N.U.G.M.W. was elected to the General Council of the T.U.C. in 1947 he was replaced on the party Executive by Mark Hewitson of that union; when W. J. P. Webber became Secretary of the Transport Salaried Staffs Association (T.S.S.A., before 1951 called the Railway Clerks Association) and was elected to the General Council in 1953, his place on the Executive was taken by his subordinate, J. Haworth; when Sir Lincoln Evans left the Secretaryship of the Iron and Steel Trades Confederation, and H. Douglass moved up to that post and to the General Council, his place on the Executive was taken by D. H. Davies. If this promotional ladder did not exist, it seems very likely that the trade union seats on the N.E.C. would be a much longer-term proposition than the constituency seats. But in the given situation, seniority can scarcely be a factor in the relative power of Executive Committee members.

III. THE TRADE UNIONS AND THE PARLIAMENTARY LABOR PARTY

The Parliamentary Labor party consists of all Labor and Cooperative party²⁵ M.P.s who accept "the decisions of the Party Meeting." They are expected to participate in the organization of the party within Parliament, to consult with the "Officers of the Parliamentary Party before tabling any motion, amendment or prayer, or other proposal which may involve Party policies or decisions," and to vote according to the party majority view except that they may "abstain from voting on matters of deeply-held personal conscientious conviction."²⁶

The Parliamentary Party and the National Executive Committee. The P.L.P. is an autonomous group, not under the control of the Annual Conference or the National Executive Committee of the mass Labor party. It may, and occasionally does, adopt a policy at variance with that of the mass party. This is a matter of considerable importance, not only because of its bearing on the nature of British constitutional practice and the essence of the two-party system, but also because there is a long history of confusion, misstatement, and

²⁵ The Cooperative party puts forward only candidates who are acceptable as Labor party candidates and who are generally indistinguishable from other Labor candidates both before and after the election. In the 1951 General Election there were 16 such Members elected.

²⁶ All quotations from "Standing Orders of the Parliamentary Labour Party (revised, March 1952)," in *Party Report 1952*, Appendix VII, p. 201. During Labor's first term, 1945-50, Standing Orders were suspended in view of Labor's large majority and the individual members enjoyed a maximum of freedom.

wishful thinking within the party itself.²⁷

According to British theories of representative democracy, the party in Parliament must be independent of extra-parliamentary control because it represents 14,000,000 Labor voters, and not just 1,000,000 party members or, at best, 6,000,000 members and affiliated trade unionists. According to constitutional practice a party, when in power, makes its own decisions upon which it stands or falls before the electorate.

The independence of the Parliamentary Labor party was won during the 1920's and was a necessary preliminary to any effective Labor Government—if, that is, the traditional theory and practice were to be maintained. But from the 1920 Conference, when young Emmanuel Shinwell proclaimed that the Parliamentary party was the "property of the Labour movement,"²⁸ up to the Laski affair of 1945, when that controversial professor, as chairman of the N.E.C., issued a statement which at least implied that the leader of the Parliamentary party was subject to the control of the Executive,²⁹ the issue has been, to say the least, unclear. However, there is now no doubt of the Parliamentary party's independence, even though the mass party enthusiasts and bureaucrats may not often proclaim this fact openly.³⁰

In practice the matter is not generally important, except as it may be used for political speechmaking, as it was in the Laski case. Or it might be better to say that it is wrongly framed; the question of the relations between the mass party and the P.L.P. is not usefully thought of in the sense of their legal independence. The essence of it is the fact that the same men, with the same problems and the same organized support, electorally and financially, control both parties.

Each year since 1945 a substantial majority of the N.E.C. have been Members of Parliament—and surely they are some of the most influential members of the Parliamentary party. As is evident in Table II, a large percentage of the M.P. majority on the Executive were ministers or ex-ministers, while the much smaller percentage of M.P.s in the trade union section, taken alone, included no persons of ministerial rank.

This is of some interest and is worth a brief comment. Without any doubt the greater political experience and knowledge of the constituency members and

²⁷ Thus John Parker, himself a Labor M.P., says: "... the Annual Party Conference lays down the policy of the Party and its instructions must be carried out by its Executive, affiliated organisations and representatives on local authorities and in Parliament." John Parker, *Labour Marches On* (Penguin, 1947), p. 42.

²⁸ *Party Report 1920*, p. 148.

²⁹ For a good account of this see Kingsley Martin, *Harold Laski* (London, 1952), pp. 169–72.

³⁰ But the party's 1951 *Handbook*, p. 301, states the case unequivocally: "The Parliamentary Labour Party is an autonomous body, with its own Standing Orders, and electing its own leaders. Labour M.P.s, like other members of the Labour Party, accept the principles and programme of the Party and are, of course, elected on that basis. But the conduct of Government and Parliamentary proceedings, including all measures necessary to carry out the Party's programme, are entirely within the discretion of the responsible Ministers and the Parliamentary Party."

women members of the Executive, and of the Treasurer and the Parliamentary leader, tend to take the initiative and leadership in policy-making away from the trade unionists. This is probably more likely in foreign policy, where the union members come under the double handicap of not having their everyday work focussed on international affairs and not having relevant information and expert opinion to the degree which would be available to the M.P.s and especially to the ministers. But in consideration of domestic policy it is likely that the trade union members provide a very large part of the discussion and argument.

TABLE II. MEMBERS OF PARLIAMENT ON THE LABOR PARTY NATIONAL EXECUTIVE COMMITTEE, 1945-1953*

Year	No. of M.P.s on N.E.C.	Of Min. Rank	M.P.s as % of N.E.C.	M.P.s in T.U. Sec.	M.P.s as % of T.U.
1945-46	16	6	59.3	3	25.0
1946-47	16	9	59.3	3	25.0
1947-48	15	8	55.5	3	25.0
1948-49	15	7	55.5	3	25.0
1949-50	16	7	59.3	3	25.0
1950-51	18	8	66.7	3	25.0
1951-52	18	7	66.7	3	25.0
1952-53	18	5	66.7	3	25.0

* The leader of the parliamentary party is included as an *ex officio* member.

Trade Unionists in the House. At each General Election a number of the Labor candidates are "sponsored by" affiliated trade unions. Sponsoring means the contribution by the union of some sizeable part of the candidate's election expenses. He is then officially identified by the party as a trade union candidate³¹ and, if he is successful, it is common for the union to pay him some yearly fee while in office, often by allowing him to draw his salary from a regular union job.

This matter of paying the M.P. an annual stipend originated in the early days of the party when Members were not paid and when, therefore, no laboring man (no one, in fact, except the financially independent) could afford to run. The practice has continued in many cases in order to attract men who could not support themselves and their families on an M.P.'s pay unless it were supplemented from outside sources. Whatever one may think in general of the systematic payment of legislators by a private pressure group, it is a tribute to

³¹ But there are trade unionists in the House who are not official union candidates: "The number of active trade unionists is, of course, much higher. For instance, N.U.D.A.W. had a panel of seven 'official candidates,' all returned, and a further eleven members returned for other seats." *Labour Research*, Vol. 34, pp. 134-35, p. 134 fn. (Sept., 1945). "... the Railway Clerks Association in addition to the 9 official candidates on its parliamentary panel had 13 other members contesting seats as Labour candidates, and 6 were elected." *Labour*, Vol. 7 (N.S.), p. 351 (Aug., 1945).

the British political sense of fair play that it has resulted in little or no demonstrable corruption.

Between 1931 and 1945 a very large section of the P.L.P. consisted of trade union candidates. These of course were the safe seats which were held after the debacle of 1931, when only 46 Labor Members were returned, and the election of 1935, in which only 154 Laborites were successful. It was during this period that criticism of trade union M.P.s and of the method of selecting candidates arose. As McCallum and Readman put it:

... it has been alleged that too often a senior and undistinguished Trade Union official has been chosen to the neglect of the younger professional men of the party or younger and more active Trade Unionists, that, as the critics put it, the Unions *retire* their officials to the House of Commons.³²

The practice is for the constituency labor parties to select their own candidates either from local talent or from approved lists kept at Transport House. If they select someone not on Headquarters lists, they must get approval from the national party to adopt that person as the official candidate; approval is almost always given, although there have been a few cases in the last eight years of national rejection of prospective candidates because of their pro-Communist connections. But this veto is apparently not, on the whole, a serious impediment to local selection of candidates. If there is anything to the criticism which McCallum and Readman describe (and they point out that in 1945 there seemed to be little ground for it), it is because a financially hard-pressed local party may be tempted to pass over an able young aspirant for a mediocre and middle-aged trade union official who comes with a fat union check in his pocket. But one gets the impression from informed party people that even this mild form of persuasion is not widespread.³³

In 1945 the trade unions sponsored 125 candidates, of whom 120 were elected (96 per cent as compared with 65 per cent of all Labor candidates). In 1950 the pattern was quite similar: the trade unions sponsored candidates in 140 constituencies and saw 110 of them elected (79 per cent as compared with 51 per cent of all Labor candidates).³⁴ At the 1951 election the trade unions sponsored 137 candidates and 104 were elected (76 per cent as compared with 48 per cent of all Labor candidates).³⁵

³² R. B. McCallum and A. Readman, *The British General Election of 1945* (London, 1947), p. 74.

³³ As a matter of fact, the trade unionists frequently complain that their potential candidates are ignored by the constituency parties. See the report on the 1954 Amalgamated Society of Woodworkers' conference at which "speaker after speaker" charged that trade union candidates "were being pushed into the background in favour of 'barristers, solicitors, and pseudo-intellectuals'."—*The Times* (London), May 8, 1954, p. 2.

³⁴ H. G. Nicholas, in *The British General Election of 1950* (London, 1951), p. 62, says that 111 of 140 trade union candidates were successful; but his table on p. 61 lists 110, the figure given by the party in *Party Report 1950*, p. 5.

³⁵ D. E. Butler, in *The British General Election of 1951* (London, 1952), p. 42 fn., says that 103 of 137 were elected. The *Party Report 1952*, p. 5, says it was 105 of 139, but the full list as given in *Party Report 1951*, pp. 185–203, indicates that the figures were as above—104 of 137.

The figures for all three elections make it abundantly clear that the trade union candidates are in the safe seats. Nicholas has given some figures on the median per cent of the vote which trade union candidates received as compared with all Labor candidates in the 1950 election. The overall median per cent of the vote for the Labor party candidates in the 617 constituencies fought in that year was 45.8, while the candidates supported by the N.U.M. (all 37 of whom were elected) received 73.0 per cent of the votes, and all the union candidates received 56.0 per cent.³⁶

One can explain the near-impregnability of the miners (one N.U.M. candidate was defeated in 1951) by the nature of the industry and of the union; N.U.M. members are concentrated in mining constituencies instead of being widely scattered as are, for instance, railwaymen, engineers, and agricultural workers. But why the other union candidates have such good records is not at once apparent. Many factors seem to be involved.

Probably the most important is the unions' understandable reluctance to support a candidate who has little or no chance of winning;³⁷ thus union candidates would tend to be those fighting safe or marginal seats. That the unions support candidates in marginal seats is suggested by the fact that they seem to share the losses of these seats with local parties; in the 1951 election, for example, the unions lost 22 constituencies which the constituency parties had fought and lost on their own in 1950, and constituency Labor party (C.L.P.) candidates lost the same number which the unions had lost in 1950.

Also one must not overlook the possibility that the safe seats may have apathetic local parties which may be glad to accept trade union candidates rather than try to build, periodically, party finances for certain winners. This likelihood is given support by the Hemsworth C.L.P. delegate to the 1952 Conference:

As a Party which had the honour of returning an M.P. with the largest majority in the country [an N.U.M. candidate], it may be news to you that we are among those with the smallest individual membership. That is not due to the fact that we have not the Labour backing; it is due to the fact that our people feel that they are already in the Labour Party through their Unions.³⁸

The next delegate to the rostrum added to the argument:

³⁶ Nicholas, *op. cit.*, p. 61. J. R. Clynes, writing in 1937, maintained that "Trade Union Candidates enjoy no preference with regard to the choice of constituencies described as 'safe seats,' except in a few areas where the coal industry provides almost the sole occupation. Even there, many candidates have been chosen because of their personal merits and qualities, in fair competition with men who have been miners." J. R. Clynes, *Memoirs 1924-1937* (London, 1938), p. 278.

³⁷ Allan Flanders, in *Trade Unions* (London, 1952), p. 142, says: "On the whole the trade union-sponsored candidates tend to get the safer seats because the unions are disinclined to spend their members' money on supporting a candidate whose chances are slight."

³⁸ *Party Report 1952*, p. 65. Hemsworth is a constituency in the West Riding of Yorkshire.

Unlike the previous speaker, we have a Tory Member of Parliament, but we have one of the biggest memberships in the country.³⁹

This is no place to discuss the general matter of safe constituencies and local party apathy (though it would seem to be worth some study), but if there is a positive correlation it may be an important factor in determining where trade union candidates stand.

The matter of union support during elections opens the much wider question of the extent to which successful candidates then think of themselves as union representatives. Where the union's aid goes beyond the election subscription to the direct or indirect payment of the M.P. (whether or not he holds formal office in the union), there can be little doubt that the union thinks of the M.P., and he thinks of himself, as in some sense a spokesman for union views and policies. Indeed it is not uncommon for trade union Members to refer, on the floor, to their special status as representatives of trade unionists, or even of a particular union. Thus Tom O'Brien, head of the National Union of Theatrical and Kine Employees and chairman of the T.U.C. General Council 1952-53, speaks of himself as the "representative of thousands of men and women in the British film industry."⁴⁰

On the other hand, where trade union support does not go beyond election expenditure it is dangerous to assume that the successful candidate inevitably thinks of himself as a representative of that trade union in particular or of organized labor in general. It may be assumed, probably, that the overall views of a supported candidate are consistent with the financing union's policy, since no union leadership will back a candidate who is unknown or with whom it thoroughly disagrees. But this is not to say that any candidate so financed will not be free on each issue to think and speak (and, within the limits of P.L.P. discipline, to vote) as he chooses. This point of view is given weight by the fact that of the 160 union-supported Members who sat in the House from July 26, 1945 to September 30, 1953, nineteen were supported at one or two of the three general elections by local parties, and 13 of those 19 were twice re-elected for the same seat in spite of this change of backing. It may be assumed, therefore, that the official listing of a candidate as trade union-financed or C.L.P.-financed makes little difference to the voters; he is the Labor candidate and it is probable that his intra-party support is not known to the electorate, or even to any but the most active party workers.

On parliamentary matters which directly affect the trade unions and their interests there seems to be some effort to exact cooperation and unity from trade union Members. For this purpose the trade unionists have periodic meet-

³⁹ *Ibid.* Morgan Phillips, the national Secretary, in replying to these two delegates said: "Unfortunately it is in our safest seats that we have our smallest membership. It may be that they have not the same incentive for developing their individual membership" (p. 66).

⁴⁰ *H.C. Deb.*, Vol. 476, 5s, col. 2523 (June 29, 1950). O'Brien's union was not affiliated to the party (until May, 1952) and he sits as a C.L.P. candidate from a Nottingham constituency.

ings and some kind of group organization in the House. Although the T.U.C. is not directly represented, there is a liaison link through Victor Feather, Assistant Secretary of the T.U.C., who normally attends these meetings. The members supported by a given union (the 36 miners, the 14 T.G.W.U. members, etc.) also attempt to keep some kind of formal or informal contacts and group life.⁴¹

It should not then be assumed that trade union sponsorship is necessarily an indication that when such an M.P. speaks he is giving the "trade union point of view." Only if there is other evidence, either explicit or implicit, that he is speaking *as* a trade unionist or *for* trade unionists, should importance be attached to it.

IV. INFORMAL INFLUENCE OF THE UNIONS ON THE LABOR PARTY

The discussion up to this point has been concerned with the formal relations between the trade unions and the Labor party. That, of course, is only part of the picture. What is perhaps more significant is the informal influence which the trade unions can bring to bear on the party leaders and machinery.

In the widest sense the trade unions contribute a complex of realism which both conflicts with, and is complementary to, the dominant idealism of the constituency parties. In part this is simply the trade unionists' matter-of-factness, their uncomplicated what-shall-we-do-next? approach, which distinguishes them from their more sophisticated brothers on the political side.⁴² But trade union realism is more than this; it is an understanding of the importance of power and also of the necessity for loyalty to leadership and majority decisions.

That the trade unionists have a clear understanding of the role of power in foreign affairs has been evident since the middle thirties when Citrine and the late Ernest Bevin led the T.U.C., and finally the party, to break their long disarmament traditions.⁴³ Thus George Brown, who claimed to be "in British political life first and foremost as a trades unionist and as a representative of organised workers," declared that it was "childish" to talk about "a distinctive socialist foreign policy" because this is not an "absolutely perfect world and when we have said what we want to do, someone else gets in the way, so that we cannot do it."⁴⁴ And another trade union Member of Parliament said in 1948

⁴¹ *The Times*, in commenting on the trade union group's initiative in urging a debate on Government economic policy in early 1954, had this to say about its influence in the Parliamentary Labor party: "There was a time when the trade union group exercised a considerable influence, but since 1940 they have been a dormant force. If a revival is in prospect it may well have an important effect on the balance of power within the movement." *The Times* (London), Feb. 5, 1954, p. 3.

⁴² See a speech by Jack Jones of the iron and steel workers "on behalf of the ordinary rough-necked back benchers. . . ." *H.C. Deb.*, Vol. 518, 5s, col. 1598 (July 30, 1953).

⁴³ The best account of this is in Samuel Davis, *The British Labour Party and British Foreign Policy 1933-1939*, unpub. diss. (Univ. of London, 1950), pp. 360 ff.

⁴⁴ *H.C. Deb.*, Vol. 430, 5s, cols. 566 and 569 (Nov. 18, 1946). Brown's was the major loyalist speech in the debate on the left-wing foreign policy "rebellion" of November, 1946.

that the need for armaments "is regrettable, but I think everyone should realise that we have to stand together on both sides of the House against even those who may be amongst us who talk about being neutral pacifists."⁴⁵

The trade unionists also contribute to Labor party organization a strong sense of loyalty and respect for majority opinion. On this point more than any other the dominant trade union leadership is at odds with the Bevanite faction in the party. Of course it might be said that this is no more than a reflection of the distribution of power within the party—that the trade unionists respect the majority view because they are the majority. But the trade unionists' insistence on loyalty is also a matter of their history and traditions—and surely it was indispensable in the early years of the movement.⁴⁶ On the other hand, it is undesirable to perpetuate an extreme sense of loyalty when it is no longer necessary for the survival of the labor movement, and McKenzie observes that, at the present time, "the Labour Party appears to lean towards a dangerously rigid conception of party discipline."⁴⁷ Whatever may be one's judgment on this point, the trade union influence has been overwhelmingly on the side of loyalty to leaders and disciplined support for majority decisions, and from the point of view of party effectiveness this is a matter of considerable importance.

With respect to the day-to-day influence of the top level trade union leaders on party officers and bureaucrats, the fact that the T.U.C., the T.G.W.U., and the National party all share the same building could hardly be overemphasized. Members of the staff of both the T.U.C. and the party, while affirming that a good deal of "cross-fertilization" goes on in executive and administrative matters, seem either reluctant to discuss it or unimpressed by its significance. However, when discussed as one of the readjustment problems to be faced when the T.U.C. relocates in its new headquarters now being built, some of the administrators are frank to admit that it will make considerable difference in the ease and thoroughness with which T.U.C. and party activity can be coordinated. There is a great difference between an inside telephone and an outside telephone, as one T.U.C. official put it.⁴⁸

But cooperation based upon propinquity and convenience is only part of the picture. Also to be considered are those personal contacts and opinion-sharings between, say, Morgan Phillips of the party, Tewson of the T.U.C., and Tiffin

⁴⁵ *H.C. Deb.*, Vol. 457, 5s, col. 135 (Oct. 27, 1948). See also A. E. Tiffin, then Assistant General Secretary of the T.G.W.U., who declared in 1949 that pacifists were actually warmakers because they aided aggressors. "Democracy and Defense," *T.G.W.U. Record*, Vol. 29, p. 94 (Sept., 1949).

⁴⁶ Francis Williams, in his biography of the most powerful trade union leader of the 1940's, declares: "It is not possible to begin to understand Bevin without understanding the strength of his loyalties and his sense of outrage when these loyalties seem to him to be set aside. . . . [His] insistence upon their absolute importance was his own greatest single contribution to the Labour Party." *Ernest Bevin; Portrait of a Great Englishman* (London, 1952), p. 197. For a more critical evaluation of Bevin's demanding loyalties see Roy Jenkins, *Pursuit of Progress* (London, 1953), pp. 32-33.

⁴⁷ McKenzie, *British Political Parties*, p. 586.

⁴⁸ Conversation with A. E. Carthy, Assistant Secretary of the T.U.C. International Department, Oct. 22, 1953.

of the T.G.W.U. And these are only the big three of several dozen party and trade union leaders who are continually exchanging and discussing the facts and opinions out of which policy and program are made. This is the heart of any study of "influence," and it is not the least of a researcher's disappointments that it must always be, to a large extent, a mystery.

V. CONCLUSION

It may be said that the real strength of the Labor party—in terms of both money and votes—lies in the trade unions of Great Britain, and more specifically in those less than 200 unions which make up the industrial affiliates of the party and the T.U.C. The leaders of these unions, especially of the two dozen or so largest, have direct, predominant influence in policy-making for both the Labor party and the Trades Union Congress, and have indirect (but predominant) influence in making policy in the Parliamentary Labor party. The formal ties between the party and its affiliated unions, and the informal relations of the party and the T.U.C., provide the channels by which the "labor movement" as a whole makes its policy and resolves its conflicts.

Both the T.U.C. and the party officials deny, of course, that one group has a share in the policy making of the other—and indeed in the most literal sense they do not. The T.U.C. appears to be concerned, somewhat more than the party, in combating the fairly general view that the two are organically linked. From the point of view of its relations with the British Government, and especially with a Conservative Government, it is vital to stress its independence from the party.

For the primary functions of the T.U.C. in British domestic politics are, on the one hand, the providing of guidance and mediation facilities for its member unions, and on the other hand the forwarding of the claims of organized workers in all branches of the government of the United Kingdom. For one part of this second function (legislative activity) it produced and nurtured the Labor party. But to be identified too closely with that party would inevitably make all of its activity more difficult—for even a Conservative majority in Parliament has been known to produce legislation favorable to trade unionists. To give the Labor party their moral support and encouragement, and closely to consult with it, knowing that its good fortune is, by and large, also their good fortune, and at the same time to maintain independence of policy and action is the task which the T.U.C. leaders set before themselves.⁴⁹ This requires a great deal of care, and often a little equivocation, but on the whole it seems to work; at least no more promising arrangement has been proposed.

⁴⁹ It is said that some T.U.C. officials have privately confessed that they would rather negotiate with a Conservative than with a Labor Government, because the latter says that it also represents, and knows what is good for, millions of working class people, whereas the T.U.C. does not have to share with the Tories its right to speak for the working class. This is, of course, not susceptible of proof, and is probably not a widely-held view among trade unionists.

ORGANIZATION OF THE INDONESIAN ELECTIONS*

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Last September 29th, with over forty million voters eligible,¹ Indonesia initiated its first parliamentary election since independence. Although the election of the 260-member, unicameral Parliament concluded November 29th, December 15th sees the voters again casting their ballots—this time for a 520-member constituent assembly charged with drafting Indonesia's first permanent constitution.²

The struggle to carry out elections has been a difficult and protracted one. It has required a decade of strenuous effort characterized by armed struggle, domestic insecurity, shortages of trained personnel and equipment, problems of communication between the nation's hundreds of islands scattered over 3,000 miles from east to west, an overwhelmingly illiterate electorate and, recently at least, reluctance on the part of certain influential groups to hasten matters.

Whatever may be the outcome, the intent to hold elections has been present ever since the Indonesian Republic proclaimed its independence from the Netherlands on August 17, 1945. In a decree issued on November 3, 1945, for example, the Government of the Indonesian Republic avowed its intent to execute "the elections for members of the peoples' representative bodies in the month of January, 1946." The decree in question was issued for the unique purpose of urging the formation of political parties.³

While by any ordinary standards this might seem singularly like urging an increase in locust swarms, there was valid justification. During the Japanese period (1942-45) political parties had been prohibited so that the Proclamation of Independence found no organized means of political expression available. A short-lived attempt to establish a unified one-party system was officially ended by the decree of November 3, 1945.⁴ In the decree the Government, announcing its acceptance of the suggestion made by the provisional legislature for the formation of political parties, stated: "The Government approves the

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¹ In July of this year the Interior Minister reported that over 42 million potential voters had been registered of, whom over 30 million were on the island of Java alone. No estimate was given of the total number legally eligible for registration. This would be of particular interest since the election lists were summarily closed in September, 1954, five and a half months behind schedule, while registration was still admittedly incomplete.

² This constitution, although the first permanent one, will actually be Indonesia's fourth. The others were that of August, 1945, when the first (Jogja) republic was proclaimed; that of January-August, 1950, during the period of the United States of Indonesia; and the present constitution, in effect since August, 1950.

³ Subagio Reksodipuro, *Pemilihan Umum* (Medan, Indonesia, 1951).

⁴ George McT. Kahin, *Nationalism and Revolution in Indonesia* (Ithaca, 1952), p. 154.

emergence of political parties since, with parties in existence, guidance can be given to the direction taken by the various currents of opinion in existence among the masses." The decree concluded with the hope "that these parties will be organized before the execution of the election of members of the Peoples' Representative Bodies during the month of January, 1946."⁵

These elections, however, proved impossible to hold. The reasons were not hard to find. Most importantly, the infant republic was already engaged in an armed struggle for survival, not terminated until May of 1949, against the efforts of the Dutch government to reestablish its colonial rule. Then too, the staggering difficulty of the technical problems involved in organizing the elections in the scattered territories controlled by the Republic, coupled with the desperate shortage of competent personnel and the lack of any precedents, all combined to make the original plan impractical.

As a result of these (and later) difficulties, Indonesia until now has had a legislature whose members hold their offices by presidential appointment and the representative character of which is therefore dubious, to say the least. Initially the appointive nature of the legislative branch was regarded as an emergency and temporary device pending elections. Within a few weeks after the declaration of independence, a Central National Committee, composed of 150 members, was appointed to aid President Sukarno and Vice-President Hatta, both of whom have remained in office ever since. This committee, chosen by the President and Vice-President to give representation to all currents of opinion, was enlarged in October, 1945 to 188 members and vested with legislative powers pending the election of a House of Representatives.⁶ Subsequently, to insure a Government majority on various agreements with the Dutch, the membership was increased to a total of 535 members. As early as October, 1945, however, the unwieldiness of the Central National Committee had led to the creation of a "Working Body" with a membership one-tenth that of the Central National Committee. This group performed the legislative functions of the Central National Committee whenever the exigencies of the situation made it impossible for the full Central National Committee to meet.⁷

Although a law providing for election of the legislative branch by an indirect system of electors chosen by the general public was enacted in 1948,⁸ it was never possible to put it into effect and when the Netherlands transferred sovereignty to Indonesia on December 27, 1949, no elections had yet taken place. Independent Indonesia was initially organized on a federal basis with a bicam-

⁵ Quotations translated from *Kepartaian di Indonesia* (Kementerian Penerangan, Djakarta, 1953), p. 4.

⁶ *What is Dewan Perwakilan Rakyat?*, Secretariat, Indonesian Parliament, undated, mimeographed, pp. 2-4.

⁷ The inspiration for this unique body apparently came from the "Working Committee" of the Indian Nationalist Congress which served as the executive and policy formulating body in between the annual congresses. But this, of course, was merely an administrative device of a private organization. See also Kahin, *op. cit.*, p. 152.

⁸ Law No. 27 of 1948 as amended by Law No. 12 of 1949—Subagio Reksodipuro-*Pemilihan Umum* (Djakarta, 1951), p. 10.

eral legislature. Its constituent parts consisted of a Senate of 32 members (two representatives from each of the 16 federal states) and a House of Representatives composed of 150 members, of whom 50 came from the former legislative body of the first Indonesian Republic and 100 were appointed by the governments of the other federal states.⁹

When, six months later, Indonesia's short-lived experiment with federalism was ended, the third and still valid constitution, promulgated on August 15, 1950, established a unicameral legislative branch.¹⁰ Its total membership of 236 representatives was drawn mostly from the personnel of the former Senate and House of Representatives of the United States of Indonesia, the Working Body of the Central National Committee of the First (Jogja)¹¹ Republic, and also from its High Advisory Council.¹² It is this People's Representative Council which has functioned since then as the parliament of the unitary Indonesian Republic. Inevitably, it has become progressively less representative. Under a law enacted in December, 1953 (No. 37 of that year), vacancies caused by death or resignation of members are filled by presidential appointment. In the case of former party members, the party proposes a candidate to the President. For former independent parliamentarians, the President has complete freedom of choice.¹³

The 1950 Constitution did, however, lay the legal foundations for both parliamentary and constituent assembly elections. Article 56 established the ratio of one representative for every 300,000 citizens and Article 57 states: "The members of the House of Representatives are elected in a general election by Indonesian citizens who fulfill the conditions and in accordance with rules laid down by law."¹⁴ Articles 134 through 139 provide for a Constituent Assembly, chosen on the basis of one representative for every 150,000 citizens, which, on the basis of a two-thirds majority, is, "together with the Government," to "enact as soon as possible the Constitution of the Republic of Indonesia which shall replace this Provisional Constitution."¹⁵ It is further provided that if by the time the Constituent Assembly is chosen there has been

⁹ *What is Dewan Perwakilan Rakyat?*, p. 4.

¹⁰ "Provisional Constitution of the Indonesian Republic (1950)", Chapter II, Section II, Articles 56-77, *Indonesian Review*, Vol. 1, pp. 144-47 (Feb.-March, 1951).

¹¹ Usually known as the "Jogja" Republic since the capital was at the town of Jogja in Central Java.

¹² See Chap. IV, Article 16, "Constitution of the Indonesian Republic" (1945), *Indonesian Review*, Vol. 1, p. 138 (Feb.-March, 1951). The inspiration for this "High Advisory Council" may well have come from the pre-war Raad van Indie (Council of the Indies) which served as an advisory council to the Dutch Governor-General. Not to be overlooked as another possible source of inspiration is the Japanese Genro or group of Elder Statesmen, although it will be remembered that the Genro was throughout its existence an extra-constitutional body. In the three and a half years of Japanese occupation (1942-1945) there was ample time for the Indonesian nationalist leaders to become well acquainted with all aspects of the Japanese administrative system.

¹³ *Ichtisar Parlemen (Parliamentary Summary)*, Nr. 206, 31 Dec., 1953, pp. 1203-5.

¹⁴ "Provisional Constitution," *Indonesian Review*, p. 135, cited in note 10.

¹⁵ Article 134, *ibid.*, p. 152.

no election for members of the House of Representatives, the Assembly shall take over the functions of the provisional House of Representatives, which, by implication at least, then ceases to exist. In a fashion reminiscent of the Working Body of the Central National Committee of the Jogja Republic, the Assembly is to discharge this responsibility by selecting an "Executive Body" on the basis of one member for every ten in the Assembly. This "Body," responsible to the Assembly, is charged with executing the normal legislative functions until such time as the Constituent Assembly has determined on the permanent form of the legislative branch and the members of this branch have been elected to office following ratification of the constitution.¹⁶

From 1950 on, elections held high but vain priority on the program of all successive Indonesian cabinets. In November, 1950, for example, Foreign Minister Roem, while in New York for the United Nations General Assembly, told the press: "In the next few months the Republic of Indonesia will hold its first general elections since the transfer of sovereignty on December 27, 1949. The Government formed through this election will be able to formulate policies that are longer lasting than those possible today."¹⁷ Two years later the then Prime Minister (Dr. Wilopo) was to say in a press interview on June 25, 1952 that general elections would be held that year and the constituent assembly formed by April 1, 1953.¹⁸

This too-facile optimism aside, the brief existence of Indonesian cabinets between the formation of the unitary state and August, 1953 handicapped election preparations.¹⁹ There was barely time for the ministers concerned with the problem (most directly, Interior and Justice) to assume office and become acquainted with their duties before their particular cabinet was forced to turn in its mandate. Then too, each new group of ministers had different ideas on how the elections should be organized. To compound the confusion, the Ministers of Justice and Interior in any one cabinet never belonged to the same party so that, added to the lack of continuity within each ministry's handling of the problem, there was constant sparring for position between ministries.

Endlessly debated was the problem of whether the voters should directly elect members of the parliament and constituent assembly or whether they should vote for electors who would then do the actual selecting. In 1951 the Sukiman Cabinet offered a draft election bill providing for election in stages but withdrew it when it became apparent that the general preference in Parliament (Dewan Perwakilan Rakyat) was for a system of direct elections. The parliamentary report on the subject criticized the Government's proposal for indirect elections on the grounds that it limited too severely the franchise for the actual choice of representatives and would be unnecessarily expensive. It was pointed out, for example, that under the system proposed by the Govern-

¹⁶ Articles 138-39, *ibid.*

¹⁷ As quoted in *Report from Indonesia*, Vol. 2, No. 12, November 22, 1950, p. 2, Indonesian Information Office, New York.

¹⁸ *Antara News Bulletin*.

¹⁹ Periods of office varied from seven to 14 months with eight being the overall average.

ment of one elector for every 250 voters, the actual elections would be carried out by an electoral college of 300,000 individuals in a country with a total population in excess of 75,000,000.²⁰

That same year, in the only two district elections ever held under the present Indonesian Republic, both systems were tried out. In one area, with a high literacy rate, a direct system was used. In the other, much closer to the Indonesian norm, with a very low literacy rate, an indirect system was used. The result of these experiences confirmed the impression that a direct system was both more democratic and less expensive. As a result, observers from the Central Election Office were sent to study election methods in several countries, including the United States, Australia, Iran, Ceylon, and India. Particularly from the observation of the last three, it was concluded that a direct election was feasible even with a largely illiterate electorate.²¹

In 1952 the Wilopo Cabinet assumed office in April with the acceleration of election preparations as one of the principal priority items on its program.²² As always, the Justice and Interior portfolios were held by different parties. The Cabinet's somewhat leisurely preparation of a new draft election law, covering the election of both a parliament and a constituent assembly, was considerably accelerated when in mid-October there occurred in Djakarta a mass demonstration of somewhat violent character aimed in part at the non-representative nature of Parliament and demanding its dissolution and the immediate holding of elections. Since, according to the constitution, elections must be held within 30 days after legislative dissolution,²³ this was impossible. The so-called "October 17th Affair" did, however, have the salutary effect of accelerating the Government's time schedule and in late November a new draft election bill was presented to Parliament.²⁴

Government spokesmen hopefully forecast that parliamentary discussions would be completed by the end of January, 1953. Actually, it was not until April 4 that the President promulgated the election bill as Law No. 7 of 1953. While there had been substantial modification of the original Government draft and divergence of opinion among the various party groups, this was not the full explanation for this or the many other delays to which election preparations in Indonesia have been subjected.

It has long been a political commonplace that the enthusiasm of many In-

²⁰ *Laporan Panitia ad hoc Dewan Perwakilan Rakyat Republik Indonesia mengenai Rantjangan Undang-Undang tentang Pemilihan Anggauta-Anggauta Konstituante* [Report of the ad-hoc Committee to the Peoples Representative Council (Parliament) of the Indonesian Republic concerning the draft law for election of members of the Constituent Assembly], mimeographed, June 30, 1951, pp. 2-3. Present population (with rate of increase estimated at 1.5 per cent) is probably in excess of 80,000,000.

²¹ *Ichtisar Parlemen, Dewan Perwakilan Rakyat Sementara* [Parliamentary Summary, Peoples Provisional Representative Council], No. 3, pp. 10-12, Jan.-June, 1953.

²² *Report on Indonesia*, May 22, 1952, Vol. 3, No. 22, pp. 1-3.

²³ "Provisional Constitution," Chapter III, Sect. I, Article 84.

²⁴ Robert VanNiel, "Indonesian Political Developments," *Far Eastern Survey*, Vol. 22, pp. 84-87 (June, 1953).

Indonesian political groups for elections is dubious, to say the least. The 232 members of the unicameral parliament are divided among some 22 different groups whose memberships range from over 40 to one representative. Many, if not most, of the minor groups will disappear once elections are held. But while the present "temporary" parliament survives, they can continue to enjoy the perquisites and privileges of office-holding. No Indonesian cabinet from 1950 to the present has had fewer than nine political groups represented in it. Thus, with the political atomization of parliamentary representation, a high price must be paid to secure the support of even a small bloc of five or six votes. The fact that some "important" (i.e., eight- or nine-member) political groupings in parliament have no outside support whatsoever is immaterial. Their support must still be solicitously courted.²⁵ On the other hand, political groups with considerable popular support but lacking the good fortune to have had representatives appointed to the legislative bodies from which the present "House of Representatives" is descended, are quite powerless to influence the course of events and are never offered cabinet posts.

Commenting on this situation last October when a cabinet crisis threatened, one of the leading opposition papers wrote:

At the present time, parties without fractions in Parliament cannot influence political conditions. Parki [descended from the Pasundan Association], for example, has great influence in West Java but in Parliament it doesn't have a single representative so that until now Parki has never participated in a government. The Indonesian Peoples' Party of "Brother" Tomo has a strong voice outside Parliament but doesn't constitute an important factor because it has no parliamentary representation. On the other hand, the Democratic and Progressive Fractions in Parliament, which have no parties of their own, are political factors and their members can become ministers. . . .²⁶

Nor has the reluctance for elections been confined solely to the shadow parties. Indeed, the Indonesian Nationalist party (PNI), leading party of the current opposition with its 42 parliamentarians, has long been considered as fearing that elections would give it a poor second place compared to the Masjumi (Moslem) party, which leads the present Government and counts 44 members in its parliamentary representation.

It was with this background in mind that, at the time the Wilopo Cabinet initially presented the draft election bill for legislative action, an independent Djakarta daily pointedly observed:

Various groups intend to delay the general elections as long as possible, therefore the electoral laws have so far been neglected. Many parties fear general elections; they are afraid of losing their present unreal positions. It is certain that the general elections will remove many parties from both Parliament and the Cabinet.

Some of the 'big' parties are already wavering, the Indonesian Nationalist Party for example. To gain the votes of the people in the villages, the Nationalists face the Masjumi

²⁵ The Indonesian parliament has all too many examples of what Duverger terms "personality parties," i.e., minor parties, of which he says, "Many of them are nothing more than trade unions of aspirants for office." Maurice Duverger, *Political Parties*, trans. Barbara and Robert North (London, 1954), p. 293.

²⁶ *Abadi*, Djakarta (editorial), Oct. 23, 1954.

against which they must put up a hard fight. To win the votes of the workers they face the Communists and they have to fight the Socialists to acquire the votes of the intelligentsia. Especially for the small parties, it will be very hard to maintain their present positions.²⁷

As finally completed, the election law is a lengthy document of 139 paragraphs filling 28 closely-typed legal-sized pages.²⁸ Its final form represented weeks of often heated discussion and the modifying influence of (at a minimum) several score amendments.²⁹ Aside from the fixing of the actual provisions of the election law, the most important basic principle to emerge from the parliamentary discussions was the decision to carry out elections virtually simultaneously (within a ten-week period) for the unicameral Parliament and the Constituent Assembly. This decision was taken in spite of the general knowledge that parties and groups (most notably Masjumi) favoring the drafting of a constitution which would establish a bicameral legislative branch were very likely to be in control of the Constituent Assembly. The adoption of such a constitution would, of course, necessitate the dissolution of the unicameral Parliament elected simultaneously with the Assembly and the expenditure of considerable time and money in the election of the new legislature.

Nevertheless, there were valid reasons for the decision to hold the elections in rapid succession. As a member of the Interior Ministry's Committee on General Election Instruction summarized the development of parliamentary thinking:

Initially there was a current of thought which preferred the Constituent Assembly elections first, while another opinion preferred that the parliamentary elections be carried out very much in advance. Neither of these methods was considered effective and, for this reason, the elections were made simultaneous.

For if the Peoples' Representative Council (D.P.R.) has not yet been formed when the Constituent Assembly election takes place then, according to paragraphs 138 and 139 of the Provisional Constitution, the work of the D.P.R. would be entrusted to a Working Body of the Constituent Assembly, composed of one-tenth of its total membership. This would be also only one-fifth of what the total membership of the D.P.R. ought to be. Yet the work of the D.P.R. is entirely too important to entrust to so small a council.

Drafting the proposed constitution will require a lengthy period, and during this time we would not yet have a D.P.R. as is necessary. If the D.P.R. is organized first, when would we form the Constituent Assembly to draft a valid constitution? Thus the situation proves that our country is not yet on a fully constitutional basis!

After the exigencies of the situation were explained by the Government, agreement was reached that the Constituent Assembly and Peoples' Representative Council had to be chosen simultaneously!

In actual practice, the word 'simultaneously' will mean that the Constituent Assembly and Peoples' Representative Council elections are encompassed within a fixed

²⁷ *Indonesia Raya*, Djakarta (editorial), Jan., 1953.

²⁸ The following summary of the Election Law's provision is based on the Indonesian text as given in *Undang-Undang No. 7, Tahun 1953, tentang Pemilihan Anggota Konstituante dan Anggota Dewan Perwakilan Rakyat*, published by Kementerian Penerangan, R. I. [Information Ministry of the Indonesian Republic], 1953, 44 pp.

²⁹ All the following references to parliamentary discussions are based on the official transcripts as given in *Ihtisar Parlemen, Dewan Perwakilan Rakyat Sementara*, No. 1-77, pp. 1-384, Jan.-June, 1953, *passim*.

period. Clearly the Constituent Assembly and Peoples' Representative Council will not be chosen simultaneously one right after the other since that would confuse the voter; however, the two elections can be carried out as quickly as possible within the same period, for example the first day choose the Constituent Assembly and the following, the Peoples' Representative Council. Also this method, among other things, would offer economies in the use of the ballot boxes.³⁰

The election law itself comprises four main sections. The first (and longest) is divided into eleven chapters of 103 paragraphs and outlines the essential provisions for the organization and conduct of elections. Section II (Chapters XII through XIV, paragraphs 104 through 112) deals with the qualifications for members of the Constituent Assembly and Parliament and the disabilities involved. Section III, consisting of Chapter XV only (paragraphs 113 through 129) outlines penalties for election violations, and the final section (Chapter XVI, paragraphs 130-139) is concerned with "Concluding and Transitional Provisions."

The law provides suffrage for all Indonesian citizens who are at least 18 years old or are "already married" if under 18. The only ones disfranchised are those who are not properly listed, those of unsound mind, or persons convicted of a penal offense. If, however, such conviction has occurred under the "Law of War and Siege" covering offenses against the public peace and national security, there is no disfranchisement. Although some political groups had wanted separate provisions for members of the armed forces and the national police, the law provides that, even if on active duty away from their residence, they may forward absentee ballots. Indonesian citizens abroad will be permitted to vote at their embassies. Within Indonesia, however, individuals other than members of the armed forces and police must cast their ballot within the district where they normally live.

One of the most hotly debated questions had been that of the number of electoral districts. Small parties, such as the Catholic and Protestant Christian, for example, with adherents scattered everywhere, were anxious to have all of Indonesia constitute one election district so that they could make every vote count in the division of seats. At the opposite extreme was the interesting proposal of the Indonesian Socialist party (PSI). This party suggested the creation of almost 40 election districts based on ethnic principles so that every important racial element would be guaranteed a voice.³¹ Several of the very small groups in parliament which draw their strength from one or two geographical areas only also favored a large number of election districts, particularly in their own sections of Indonesia. The large parties with nationwide membership and influence, such as the Masjumi (Moslem) or the Indonesian Nationalist party

³⁰ Mohammed Suba-Wiguna, *Undang-Undang Pemilihan Umum*, N. V. Pustaka & Penerbit "Endang", Djakarta, 1953 (booklet), pp. 3-4.

³¹ This would not have meant that subdivisions of an election district would then be scattered all over Indonesia. Most racial groups are found in one compact geographical area. In Java, for example, the Sudanese occupy the province of West Java and the Javanese that of Central Java and part of East Java, while the Madurese occupy the rest of the province and, of course, the island of Madura itself.

(PNI), were indifferent as to how the problem was solved. Probably as a result of this attitude, the Government's original proposal to divide the ten provinces of Indonesia into fifteen electoral districts was adopted, with the slight modification that an additional district was created for Djakarta as the capital city. Interestingly enough, included as a separate election district in both the draft and final versions of the bill is Netherlands New Guinea, which the Indonesian Government has been claiming as Indonesian territory under the name of Irian Barat ever since December, 1949 and whose surrender it has vainly demanded of the Dutch.³²

An involved administrative organization for carrying out the elections was outlined. At its peak is the Indonesian Election Committee, located in Djakarta. Its nine members, appointed by the President for four-year terms, are charged with the overall responsibility of "making the preparations, guiding the conduct of and carrying out the election of members of the Constituent Assembly and of the Peoples' Representative Council [Parliament]." Below them, located in each of the sixteen electoral districts, are Election Committees composed of seven members appointed by the Minister of Justice for four-year terms, which have similar responsibilities on the district (provincial) level.

Next come approximately two hundred Sub-Provincial (Regency) Election Committees, composed of seven members appointed by the provincial governor acting for the Minister of Interior Affairs. These committees in turn appoint the Voting Committees composed of five members with the local sub-district head as the *de jure* chairman. The area supervised by these committees, of which there are some 3100, includes three or four villages and corresponds with the boundaries of the lowest provincial administrative unit.³³ This committee authenticates the voting lists prepared in the villages and is charged with general supervision of the election preparations and actual conduct. Finally, in every village, with the village head as chairman, are some 21,000 Voting List Committees. These three-man committees compile the election lists and supervise all local election activities.

These village committees were, in essence, charged with nothing less than taking the first census in Indonesia since 1930.³⁴ Under the terms of the law complete lists had to be made of all "Indonesian citizens"³⁵ in each village and then transmitted through the ascending administrative hierarchy to the Indonesian Election Committee so that, on the basis of total population figures, it could determine the number of members of the future parliament on the basis of one representative for every 300,000 citizens and the constituent assembly

³² See L. Metzmaekers, "The Western New Guinea Problem," *Pacific Affairs*, Vol. 24, pp. 131-42 (June, 1951).

³³ See Lawrence S. Finklestein, "The Indonesian Federal Problem," *Pacific Affairs*, Vol. 24, pp. 284-95 (Sept., 1951).

³⁴ The 1930 census was the last decennial census under the Dutch regime. Since then no census has been taken.

³⁵ The term has never been officially defined although the last cabinet, for the first time since independence, presented Parliament with a draft citizenship bill in early November, 1954.

in the ratio of one to 150,000.³⁶ (Actually, it did not prove possible to complete this task until October 30, 1954, when the total population of Indonesia was announced by the Election Committee as comprising 77,987,879 individuals, thus establishing the membership of the constituent assembly at 520 and of the parliament at 260.³⁷) Conditioning this distribution of representation, however, are provisions (Articles 32 and 33) designed to insure adequate representation to such a geographically important but underpopulated area as Borneo (Kalimantan). It is provided that regardless of its actual population no election district shall have less than six representatives in the constituent assembly and three in the parliament.

One of the most interesting chapters of the election law is Chapter VI, "Concerning Candidacies." This crucial section of the law was debated in Parliament almost sentence by sentence and word by word. Of particular importance was the problem of defining the terms of eligibility for participation in the elections. Should participation be limited to political parties only or should the Government proposal to permit political parties, "other organized groups," and individuals to enter the lists be adopted? Or should only "legitimate political groups" and individual independents be permitted to contest for election, as the Communists proposed? Also discussed in detail were such related issues as the minimum number of names for nominating petitions, whether candidates should post a bond, and what eligibility requirements should be met.

The final draft of Chapter VI embodied the initial Government proposal virtually unchanged. Most parliamentarians had been won over by the argument that comparatively few potential voters were actually enrolled as members of political parties and that to insure the widest possible representation to all sections of public opinion it was therefore necessary that not only political parties and independent candidates, but also any organized groups able to muster sufficient signatures to validate a nominating petition be permitted to participate. By thus widening the range of electoral participation, it was argued, representation would be given to economic, social, and cultural groups lacking any specific political orientation.³⁸

However praiseworthy the intent, the result has been to compound confusion. In addition to numerous independent candidates and those of some twenty-odd political parties, the voter is now also confronted with weighing the merits of those sponsored by such varied groups as the Humanist Society,

³⁶ *Provisional Constitution, 1950*, Articles 56 and 135. See also the Election Law (Undang-Undang No. 7, 1953), Paragraphs 32-35.

³⁷ As reported in Abadi, Djakarta, November 1, 1954. Since the Constituent Assembly's task of fixing Indonesia's basic law is of such grave importance, it was considered necessary that it be twice the size of Parliament to insure the widest possible representation.

³⁸ The final solution represents a curious melange of representational theories stemming from such varied (and disparate) backgrounds as those of the European proportional representation systems, the Anglo-Saxon individual candidate, and overtones of German and Italian Fascist corporate theories.

the Indonesian Younger Generation Association, the Organization of Prosperous Peasants, the Union in Defense of Indonesian Independence, the Executive Council for Minangkabau Customary Law (Adat), the Retired Pensioners' Association, and many others. The result is that in virtually every election there are between 40 and 50 political parties, private individuals, and other organizations which have qualified for a place on the ballot.

All independent candidates and the number one candidate on lists must qualify for nomination by presenting petitions signed by at least 200 eligible voters. Each succeeding list candidate must have the signatures of an additional 25 voters who indorse his personal candidacy. No list may offer more candidates for either Constituent Assembly or Parliament than the total number of seats allotted the district in question for either body and in no case may any list contain more than 20 names. Since the representation allotted the 16 election districts ranges, to take the parliamentary figures only,³⁹ from East Java's 58 seats, based on its estimated population of 17,950,000, to Southeast Borneo's "guaranteed" (see above) three seats, the purpose of the 20-candidate limit for any one list, one suspects, has motives behind it other than the obvious one of attempting to shorten the ballot. In particular, in thickly populated Java, the three election districts of which (excluding Djakarta) account for 162 of the 260 members of Parliament,⁴⁰ the effect is to limit categorically the number of representatives that any one party or group can hope to get regardless of how strong its rank and file support may be. Most likely to be penalized by this are the two largest Islamic parties, the Masjumi and the Nahdlatul Ulama, which otherwise might reasonably be expected to make a virtual clean sweep of the areas outside the handful of urban centers on Java. However, a provision permitting the combining of lists (Paragraph 37 of the Law) within the same election district would tend to overcome this handicap.

Individual candidates are restricted to presenting themselves on only one list and that in the election district where their legal residence is. Further, they must be 25 years of age and in possession of full citizenship rights. A Government proposal that the initial candidate on each party and organization list as well as independent candidates should post a guarantee bond of 250 rupiahs (about \$28.50) and each succeeding list candidate 100 rupiahs was defeated.⁴¹ Interestingly enough no proposals were made, along the lines of the present German electoral system for example,⁴² to provide any procedure for eliminating parties with a very small vote from the distribution of seats. As a result, there may be all too many minuscule groups, consisting of one or two members, sitting in both Parliament and the Constituent Assembly.

³⁹ Constituent Assembly representation, of course, is precisely double this.

⁴⁰ *Antara News Bulletin*, Djakarta, Nov. 1, 1954.

⁴¹ This was more a matter of principle than any feeling that someone might be barred from participation by the necessity of posting this bond. Even in such a low average income country as Indonesia, anyone at all likely to be a candidate would not be deterred by so modest an amount as R. 250.

⁴² James K. Pollock, "The West German Electoral Law of 1953," this *Review*, Vol. 49, pp. 107-30 (March, 1955).

One of the most important provisions of the Election Law is contained in Article 41. Here indeed is the key to the successful conduct of an election in a country with 55 to 65 per cent illiteracy. Provision is made for each party and organizational list and individual candidate to register an election symbol with the Central Election Committee. It is by this means that an illiterate voter will be able to punch a hole in the ballot opposite the list or candidate of his choice. Forbidden for use as symbols are the coats of arms of Indonesia or any foreign country, the national flag, individual pictures, or pictures which offend the "Indonesian sense of modesty." No party or organization may have more than one symbol and in the event of two groups picking the same symbol, its assignment is decided by lot.

The choice of symbols has shown a wide range from the easily predictable hammer and sickle of the Communist party to the lightning bolt chosen by an independent candidate in the election district of West Java. The Masjumi (Moslem) party is using a star and crescent moon in white against a black background. The Nationalist (PNI) party, which, together with the Communists, constitutes the present opposition, has a bull's head enclosed within a triangle adorned with the motto, "Proletarian Front" (Front Marhaenis), while the "Association of Police Officials of the Indonesian Republic" is offering its candidates to the voters under the symbol of a torch.⁴³

Between May of last year and this January considerable controversy ensued over the Indonesian Communists' registering their symbol as that of the "Indonesian Communist Party and Non-Party Individuals." This was bitterly attacked by the Masjumi and other Moslem groups, and also by the Socialists, as a subtle trick intended to gull the unwary and naive. The Communists defended themselves on the grounds that (ostensibly) independent candidates generally sympathetic to their aims should have the right to register themselves under the hammer and sickle emblem if they chose to do so. The issue was finally resolved when the Central Election Committee on January 27, 1955 requested the Communist party to remove the "and Non-Party Individuals" from its banners and other election advertising. At the same time the Masjumi party was requested to remove the slogan "For the Islamic Believers" from its election material since there are at least three other Islamic religious parties participating in the elections.⁴⁴

Under the Constitution (Article 61) membership in either the Constituent Assembly or Parliament is considered to be incompatible with the offices of President, Vice-President, Attorney-General, membership in either the Supreme Court or the Audit Department,⁴⁵ or the Presidency of the Bank of Issue. To these categories the election law adds the posts of secretary-general

⁴³ *Pengumuman No. 3*, Panitia Pemilihan Indonesia [Announcement No. 3, Indonesian Election Committee], *Mimbar Penerangan*, August, 1954, No. 8, pp. 652-55.

⁴⁴ *Antara* (semi-official Indonesian News Agency), Jan. 28, 1954.

⁴⁵ Article 44 of the 1950 Constitution lists "the General Audit Department" as one of the "organs of the state" ranking with the President and Vice-President, the Ministers, the House of Representatives, and the Supreme Court. The concept apparently was adopted from the Netherlands Constitution (Article 179), which lists the Accounting Chamber (*Rekenkamer*) as one of the basic organs of government.

or director-general of any ministry; chairman, vice-chairman, or member of the Army Supreme Court; Judge Advocate General of the Army; judge of a superior court; the Commander and Assistant Commander of the National Police; all armed forces officers of the rank of lieutenant-colonel and above; membership in any legislative bodies above the village council level; and the principal executive post in a province or an autonomous area. To protect the interests of the non-Indonesian minorities, the Constitution provides (Article 58) that the Chinese, European (virtually all Dutch), and Arab minority groups "shall be represented in the House of Representatives by at least 9, 6 and 3 members respectively." For the Constituent Assembly, of course, these numbers are doubled. In accord with its desire to have only one group of electors, no separate elections are provided for these groups. However, on the various party and group lists provision is made for candidates of these particular racial origins to have the fact noted in parentheses after their names. If, on the basis of the election results, the constitutional quotas have not been met, the President is authorized to remedy by appointment even though the total of the Constituent Assembly and Parliament may as a result exceed the respective 520 and 260 membership limits.

The method prescribed for the division of seats is a variant of the d'Hondt system of proportional representation. The voter will exercise his franchise either by piercing his ballot through the symbol for an independent candidate or a party list, or he may, in addition, cast a free ballot by piercing the name of any particular candidate on a list. Through the ascending hierarchy of committees, the ballots in each district are forwarded to the Central Election Committee located in Djakarta. For the first-round division, each of the sixteen electoral districts is dealt with separately. The grand total of votes cast in the districts is divided by the total number of seats allotted to determine the election quotient. Seats are then allotted initially to individuals and lists which meet or exceed the election quotient. Groups or individuals whose total vote is less than the quotient are passed over on this first-round division.

For the second and final round of dividing the seats, all the unallotted seats are grouped together and all "unused votes"⁴⁶ received by a party or group in any of the 16 election districts are added in one grand total. Then, on a country-wide basis, the total remaining vote is divided by the total number of left-over seats and the new quotient established. It is on this basis that the final division of seats is made. If any seats still remain after allotments have been made to all the lists meeting the quotient requirements, they are assigned in order to those lists which have "the greatest number of votes."

Within any individual list—this applies to both the first and second rounds of division—the total number of votes cast for the list is divided by the number of seats available to get the list quotient. Then, in contrast to Dutch practice,⁴⁷

⁴⁶ "Unused" in the sense that they were in excess of the total number of votes needed to equal the district election quotient.

⁴⁷ See Articles 102-104 of the Netherlands Election Law (*Kieswet voorzien van Marginale Aanteekeningen*, Vijfde Druk, April, 1946, Alphen ann den Rijn, N. Samson, N. V., 1946).

candidates are declared elected, not in accordance with their position on the list, but on the basis of their meeting or exceeding the list quotient. Next in precedence come those candidates whose total individual vote is "at least half that of the list quotient." It is only after this group has been dealt with that the factor of precedence plays a role. If any further seats remain, the highest-ranking of the remaining candidates in order of precedence, regardless of the number of individual votes received, is elected.⁴⁸

The election law concludes with a series of penalty clauses providing from two to five years imprisonment for those guilty of corrupt practices or of impeding the conduct of elections. Provision is also made in this concluding section (Paragraph 134) for the Government to appoint members for both the Parliament and Constituent Assembly from districts where "at the present time the elections cannot be carried out." This provision is intended to ensure representation for such areas as those in Western Java, Northern Sumatra, or the Central Celebes which are controlled by anti-Government guerilla groups. Under this provision representation is also ensured for the election district of "Irian Barat" (Netherlands New Guinea) where, for obvious reasons, it is also impossible for the Djakarta Government to hold elections.

Within two months after the passage of the election bill, the Wilopo Cabinet was forced to resign over an issue of land reform policy. It was not for another two months that a new cabinet, headed by the then Indonesian Ambassador to the United States, Dr. Ali Sastroadmidjojo, was formed. This cabinet was notable for the fact that for the first time in the political history of Indonesia the Masjumi, Socialists, Catholics, and Protestant Christians were excluded. The cabinet also had the somewhat unenviable distinction of being supported in Parliament by the influential bloc of the Communist party and its allies, to which, in addition to the President's patronage, it owed its surprising longevity.⁴⁹ Elections, of course, were one of its priority program items. In its implementation of the election law, the cabinet, dominated by the Nationalist party but based on a motley and patchwork coalition of splinter parties, had inspired neither confidence in its administrative abilities nor faith in its intent to apply the law for the benefit of both Government and Opposition.⁵⁰

Indeed, when the appointment of the highly important Indonesian Central Election Committee was finally announced on November 7, 1953, its chairman was one of the principal leaders of the Nationalist party; among its other eight members the opposition was given one place by the appointment of a representative of the small Protestant Christian party.⁵¹ Among the other seven

⁴⁸ Considering how small a percentage of the voters even in the completely literate and politically sophisticated countries of Western Europe ever exercise their option of individual choice in connection with party lists, these elaborate provisions of the Indonesian election law can be regarded as little more than windowdressing.

⁴⁹ The Ali cabinet set a new Indonesian record by remaining in office from August 1, 1953, until July 24, 1955. As did the other four cabinets since 1950, it resigned prior to a vote of no-confidence.

⁵⁰ See Herbert Feith, "Towards Elections in Indonesia," *Pacific Affairs*, Vol. 27, pp. 236-55 (Sept., 1954).

⁵¹ *Antara News Bulletin*, Nov. 8, 1953.

members, all of whom represented Government parties, were included representation for the Communist-dominated Indonesian Farmers' Association, which boasts two members in the temporary Parliament, and for a small and regional Moslem religious party which has one parliamentarian.

The appointments drew angry but vain protests from the opposition parties. As reassurance, President Sukarno stated, when he formally installed the Committee in late November, that Masjumi and the other opposition parties would be guaranteed full representation on the district election committees.⁵² An examination of the party affiliations of the individuals appointed to the district election committees⁵³ would seem to indicate that the Government adhered to the letter of the President's promise, if not the spirit. However, while it is true that each opposition party was given as much representation on most of the committees as any one Government party or group, in no case did the Government lack a majority, if the Communist representation is added in, even in districts where, by every expectation, the Masjumi and its allied parties command overwhelming popular support. The opposition's reaction to these Government tactics did not adhere with any noticeable closeness to the Interior Minister's suggestion in July, 1954 that "in the Asian manner they should confine themselves to polite criticism during the election campaign."⁵⁴

Initial expectations for the implementation of the elections were, of course, pitched on a highly optimistic level. In an expansive mood, the then Justice Minister announced in December, 1953 that parliamentary elections would take place on January 5, 1955, and that the constituent assembly would be chosen five days later. The official time-table outlined by the Government early in 1954 in its Government Regulation No. 9 of that year⁵⁵ was more conservative, but the actual pace of developments showed that even this estimate was entirely too optimistic.

In Regulation No. 9, for example, April 1 was set as the date for the completion of the electoral rolls. On September 15 this task was arbitrarily declared completed over the anguished protests of the opposition and amidst charges that the results of the abrupt cut-off would "disfranchise millions."⁵⁶ July 1 was fixed as the date for the official announcement by the Central Election Committee of the total membership (and district division) for the constituent assembly and parliamentary elections. This, as mentioned above, actually took place on October 31.⁵⁷

In late January, 1955 it was announced that, "due to lack of time, distance

⁵² *Antara News Bulletin*, Dec. 1, 1953.

⁵³ See *Antara News Bulletins*, Jan.-March, 1953, *passim*.

⁵⁴ *Antara*, July 13, 1954.

⁵⁵ *Lembaran Negara Republik Indonesia* No. 18, 1954. *Pemilihan umum. Peraturan Pemerintah* No. 9 tahun 1954, tentang penjabaran Undang-undang Pemilihan Umum. (*Decree of the Indonesian Republic*, No. 18, 1954. *General Election*, Government Regulation No. 9, year 1954, regarding the execution of the General Election Law, 84 paragraphs, 41 pages.)

⁵⁶ *Antara News Bulletin*, October 10, 1954. Unofficial and unpublished estimates of the number thus arbitrarily disfranchised run as high as 10,000,000.

⁵⁷ See p. 171, par. 4.

and other factors," the closing date for the submission of candidate lists for both parliament and constituent assembly had been moved back from January 31 to February 28.⁵⁸ Originally the cut-off date for parliamentary nominations had been August 15 and for constituent assembly nominations September 15. The projected timetable after the closing date (September 15, 1954) for constituent assembly nominations had been as follows:

Sept. 17—Completion of the examination of the nominating letters for the parliamentary elections by the District Election Committee (Panitia Pemilihan).

Oct. 17 —Same procedure for the constituent assembly elections.

Sept. 17—Oct. 2—"Opportunity to improve the candidates' list for the parliamentary elections."

Oct. 17—Nov. 2—Same for the constituent assembly nominations.

Oct. 9 —Completion of compiling the provisional candidate lists for the parliamentary elections by the Central Election Committee.

Nov. 9—Same for the constituent assembly elections.

Nov. 7—"Completion of the examination of the provisional candidates' list for Parliament by the Central Election Committee" as organized on the basis of "each election district."

Dec. 31—Same for the constituent assembly candidates' lists.

Nov. 30—Final date for the public announcement of the official candidates' list for the parliamentary election by the Central Election Committee.

Feb. 15, 1955—Same for the constituent assembly.

Feb. 1—The parliamentary elections.

April 15—The constituent assembly elections.⁵⁹

In November of 1954, a Government spokesman gave May, 1955 as the new target date for the parliamentary election.⁶⁰ It was not, however, until April of this year that the Government issued an official revision of the election timetable. At that time the Chairman of the Indonesian Election Committee, the top body in the electoral hierarchy, announced that the parliamentary election would begin on September 29 and the constituent assembly one on December 15.⁶¹ There now seems every reason to anticipate that these will take place as scheduled. It was reported in early August that by the middle of the month some 47,000,000 ballots and other election material would be completely distributed and all technical preparations completed.⁶²

But more important even than this advanced state of the mechanical preparations is the attitude towards elections expressed by the new cabinet, formed on August 11 of this year. This highly able cabinet, dominated by the Masjumi, comprises those parties which are pledged to prompt and honest elections. However, even with every desire to make them succeed, the administrators of the elections face problems of considerable magnitude.

⁵⁸ *Antara*, Jan. 26, 1955.

⁵⁹ *Lembaran-Negara Republik Indonesia* Nr. 18, 1954. *Pemilihan Umum. Peraturan Pemerintah* Nr. 9, pasal 34-41, pp. 15-18.

⁶⁰ *Antara*, Nov. 26, 1954. Interior Minister Sunario in interview at Schiphol Airport, Amsterdam.

⁶¹ This was embodied in a government regulation the text of which had not as yet reached this country as of mid-August.

⁶² *Antara*, Aug. 10, 1955.

One source of difficulty is the complicated election machinery outlined in the basic legislation. While on the lower levels it does intermesh with the already existing corps of provincial civil servants, it calls for the services of literally tens of thousands of other individuals to serve on the various committees. And this is quite aside from the clerical assistance that will be needed. The staffing problem involved would tax the resources of the most literate of nations, let alone one with Indonesia's very high illiteracy rate and already crucial shortage of trained personnel. Additionally, if and when the Parliament and Constituent Assembly are chosen, they will require virtually the full-time participation for a two-year period at least of the nation's 800 or so "best minds." (At least it can be devoutly hoped that this will be the intellectual level of these two bodies.) This in turn will have a cumulative effect on governmental administration and a number of private activities.

The basic source of all the various difficulties lies, of course, in the law itself with its curious, possibly even fatal intermingling of disparate and contradictory theories and ideas from varied sources. One suspects, although the writer has never seen any statement on it, that the members of the temporary parliament felt duty-bound to produce a "model law" which would testify to the extent of their studies of foreign governments and election procedures. The result, while it indicates all too vividly the catholicity of the research, has not fitted too well into the framework of actual Indonesian political and social conditions.

This reason aside, the Ministers of Interior and Justice, in several statements made before parliamentary committees, have listed various difficulties involved in organizing the elections. In July, 1954, for example, both ministers appeared before the parliamentary committee on interior affairs to discuss the reasons for the already drastic lag in the election timetable.⁶³ While admitting that preparations were running considerably behind schedule, the ministers remained hopeful that both elections would be completed before the end of May, 1955.⁶⁴ The parliamentary committee was told that the registration of voters (scheduled for completion by April 1) had not been completed by mid-July in any of the sixteen election districts. The registration of voters was summarized "as at the present time still in process with some areas doing well, some not so well and some that have not as yet started at all." The main difficulties were given as being those of transportation, lack of personnel and equipment, and inadequate funds due to the "bureaucratic methods" of the Finance Ministry, which was accused of "greatly hindering the payment of Government funds." The entire election budget was stated to be Rupiah 301,000,000 (approximately \$265,000), with the Ministry of Interior Affairs expending Rupiahs 261,000,000. The balance was intended for even division between the Justice and Information Ministries. (The latter ministry has been charged with the responsibility of explaining elections to the people in an effort to arouse public interest.)

⁶³ *Antara*, July 21, 1954.

⁶⁴ *Merdeka* (daily paper), Djakarta, July 17, 1954.

The just-concluded parliamentary election is much too recent and information still too scant to permit analysis. Reportedly some 31,000,000 voters, approximately 70 per cent of those eligible, participated. Most of these cast their ballots on September 29, the first day of the election. However, areas hampered by poor communications or the activities of terrorist groups were given until November 29 to complete the election. On the whole, the election seems to have gone off about as well as could be expected for such a pioneering effort. One blot on the record, however, has been the widespread charges of fraud and coercion by various political groups. Indeed, in Central Java this resulted in some 3,000,000 voters being ordered to recast their ballots.

The election's indicated results have come as a surprise to both Western and Indonesian political observers. It had long been axiomatic that the Masjumi (Moslem) party would emerge as victor. Its leaders on election eve were confidently anticipating from 55 per cent to 75 per cent of the vote. Instead the results indicate that the new parliament will see the Nationalists and the Masjumi virtually tied with sixty-odd seats each, the conservative League of Moslem Teachers (Nahdataul Ulama) represented with a probable fifty seats, and the Communists in fourth place with a surprising forty seats—twenty-three more than their representation in the present temporary parliament. Apparently the remaining forty-odd seats will be scattered among approximately twenty splinter groups.

If such are indeed the results, the expectations of many observers, who had hoped that the parliamentary election would result in a stabilization of political life, will be disappointed. Instead of the four or five large, and solidly based, political groupings which it was hoped would emerge, Indonesian political activity is apparently doomed to continue under the curse of a polyparty system. So evenly balanced are the two leading parties that neither can form a cabinet without the other unless prepared to pay a high price for splinter-group support. It is not encouraging in this connection that, at the time of the formation of the Ali Sastroamidjojo Cabinet in 1953, the Nationalists showed a willingness to do precisely this. Indeed, the parliamentary alliance they made with the Communists at that time against the Masjumi undoubtedly aided the Communists in scoring their sweeping election gains. It can only be hoped that the sinister implications of this Communist success will strengthen the hand of the moderate group within the Nationalist party, which eyes the Communists askance and favors cooperation with the Masjumi. Unfortunately, this group has wielded but little influence in the past few years.

One conclusion, however, seems all too probable. The election, long anticipated as a possible panacea for the ills of the body politic, has actually changed little. Indonesian political life seems destined to continue in an atmosphere of embittered and atomized partisanship offering little basis for sober and constructive action. The election results would seem to confirm the ironic truth of the old proverb, *plus ça change, plus c'est la même chose!*

JUSTICE HARLAN AND THE USES OF DISSENT

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The appointment of John M. Harlan of New York to the Supreme Court bench came not only as something of a surprise, but as a rather timely and significant one.¹ It is not merely that he is the first justice who is a direct descendant of a previous member of the Court, but that in a fitting sense his appointment may be regarded as a long-overdue tribute to the services his grandfather rendered to the Court and to the nation, and to the causes which the elder Harlan so ably represented.

Of all the more prominent justices in Supreme Court history, John Marshall Harlan of Kentucky has been, for no obvious reason, the most neglected. The recently published biography of Justice William Johnson² has restored to his place in history the only other justice who perhaps could compete with Harlan in the lack of attention paid a significant career.

This neglect can be illustrated in several ways. In the first place, despite the spate of excellent judicial biographies which have been published in recent years, none has ever been written on Harlan, although one is said to be in progress.³ In the second place, there has been little law review comment on him, though in the past few years this deficiency has been somewhat remedied.⁴ Third, those who have commented on his career have often regarded him as rather unimportant or even peculiar. One writer criticizes his vehemence in the income tax dissent.⁵ Justice Brewer, his intimate on the Court for many years, remarked caustically that Harlan "retires at eight with one hand on the Constitution and the other on the Bible, safe and happy in a perfect faith in justice and righteousness."⁶ Justice Holmes, who knew Harlan only in his later years, compared his mind to "a powerful vise the jaws of which couldn't be got nearer than two inches to each other."⁷ At another time Holmes remarked that he had no need to go far in a dissent because the majority opinion was written by "old Harlan who simply rolled off the cases."⁸ And Justice Frankfurter has

¹ Harlan was nominated on January 10 and confirmed by the Senate on March 16, 1955.

² Donald Morgan, *Justice William Johnson, The First Dissenter* (Columbia, S. C., 1954).

³ By Professor David Farrelly of the University of California (Los Angeles).

⁴ The more important recent articles are: Edward F. Waite, "How 'Eccentric' Was Mr. Justice Harlan?", *Minnesota Law Review*, Vol. 37, pp. 173-87 (Feb., 1953); David G. Farrelly, "Justice Harlan's Dissent in the Pollock Case," *Southern California Law Review*, Vol. 24, pp. 175-82 (Feb., 1951); Richard F. Watt and Richard M. Orlikoff, "The Coming Vindication of Mr. Justice Harlan," *Illinois Law Review*, Vol. 44, pp. 13-40 (1949); Document, "The Appointment of Mr. Justice Harlan," *Indiana Law Journal*, Vol. 29, pp. 46-74 (Fall, 1953).

⁵ Alpheus T. Mason; *Brandeis and the Modern State* (Washington, 1936), p. 120.

⁶ Quoted in Waite, *op. cit.* n. 4, pp. 180-81.

⁷ *Holmes-Pollock Letters*, Vol. 2, pp. 7-8 (April 5, 1919).

⁸ *Ibid.*, Vol. 1, pp. 157-58 (Jan. 7, 1910), referring to Harlan's concurring opinion in *Kuhn v. Fairmont Coal Co.*, 215 U. S. 349 (1910).

said that Harlan was merely "an eccentric exception" in his views on the Fourteenth Amendment.⁹

These offhand comments add up to a picture strangely at variance with the apparent realities about Harlan, who was reportedly well liked by all his colleagues except Chief Justice White and perhaps Holmes;¹⁰ who wrote several of the most respected majority and dissenting opinions that appeared during his tenure; who sat on the bench longer than any justices except Marshall and Field;¹¹ who was the real Great Dissenter (not only in the number but in the quality of his dissents);¹² and whose opinions have stood the test of time perhaps better than those of any justice of his time.

The occasion of the appointment of Harlan's grandson, in conjunction with the recent Supreme Court decision in the school segregation issue, provides a timely opportunity to correct the neglect and counter the invidious comment. The present article does not attempt to assess Harlan's character or personality. What is attempted is to indicate the viability of the man's judicial opinions: the box score on Harlan is perhaps higher than that of any man who has ever occupied the bench. Most of these opinions were expressed in dissent, and consequently Justice Harlan is the best possible illustration of the effectiveness of the dissenting opinion. Justice Brown once wrote that "if the authority of the Court is weakened by a dissent, it is probably because it ought to be weakened." A dissent is an appeal to the conscience of the future: it is thus to be judged on whether it correctly divined that conscience. In this regard Harlan's dissents rank high. Surprisingly enough, his majority opinions do not hold up as well. Where he was a child of his time he was judged wrong by later generations; where he criticized his own times we moderns have adopted his views—often, however, without giving him credit for them.

The following classification of Harlan's opinion is not exhaustive, but is limited to those the author regards as the most important in the context of today. It seems well to begin with the segregation issue, since this is the most recent to be dealt with by the Supreme Court.

I. RACE DISCRIMINATION

It seemed obvious to Justice Harlan, as it does to anyone who reads the entire Fourteenth Amendment in the light of its wording and the reasons for its adoption, that if the amendment means anything at all, it means to protect the freed Negro from the external signs of bondage. Justice Harlan, however, carried this idea farther than any other member of the Court. He was the only justice to dissent in any of the great race cases arising during his tenure. In the

⁹ In *Adamson v. California*, 332 U. S. 46 (1947), concurring opinion.

¹⁰ See Robert E. Cushman, "Harlan, John Marshall," *Dictionary of American Biography*, Vol. 8, p. 269.

¹¹ 33 years, 10 months and 25 days.

¹² He wrote 316 dissents, according to Carl Swisher, *American Constitutional Development* (New York, 1954), p. 564.

Civil Rights Cases, oddly, he was the only Southerner on the bench even as he was the only dissenter.

The *Civil Rights Cases* mark Harlan's most extreme statement of his reading of the Fourteenth Amendment.¹³ Essentially, the question presented by these cases was: Can Congress, under the Fourteenth Amendment, act affirmatively to protect the civil rights of Negroes? The Court, in an opinion written by Justice Bradley, held that Congress was limited to laws correcting state legislation, and could not pass affirmative laws touching the actions of private persons. The cases concerned the denial of accommodations in hotels, theaters, and on a railroad; and the effects of the decision were to invalidate Sections 1 and 2 of the Civil Rights Act of 1875, and to perpetuate discrimination in privately owned public facilities. The burden of Bradley's opinion was that the Fourteenth Amendment was not meant to touch private, but only state, action, and that the section of the amendment empowering Congress to enact enabling legislation was limited to state action: in other words, to correcting the effects of prohibited state acts. No congressional activity may take place until some state act violating the amendment has been taken. Bradley was careful not to exclude state court action; in fact, he implied that if the civil rights cases had been prosecuted originally in state courts, Congress might be able to legislate against the state court decisions. But he did not consider the possibility that under the doctrine of *Munn v. Illinois* public utilities might be considered as being to some extent state agencies.¹⁴ He also ignored the possibility that state *inaction*—that is, the failure to correct discrimination—might be considered the equivalent of affirmative action.

Justice Harlan strongly castigated the majority for "proceeding upon grounds entirely too narrow and artificial," and sacrificing the "substance and spirit" of the Fourteenth Amendment "by a subtle and ingenious verbal criticism." His view was that the amendment was intended to protect Negro rights, and that the Court's decision made such protection impossible. He felt that the Court had paid insufficient attention to the intent of the framers of the amendment. He proceeded on the broad grounds that the national government "has the power, whether expressly given or not, to secure and protect rights conferred or guaranteed by the constitution." Harlan argued that the Thirteenth Amendment as well as the Fourteenth permitted legislation such as the Civil Rights Acts. He made much of the point that the courts had always considered common carriers as exercising a public function, concluding:

Such being the relations these corporations hold to the public, it would seem that the right of a colored person to use [them] . . . is as fundamental in the state of freedom . . . as are any of the rights which my brethren concede to be so far fundamental as to be deemed the essence of civil freedom.

As to hotels, he made substantially the same argument: innkeepers are given special privileges by the state, and have certain duties to the public, one of

¹³ 109 U. S. 3 (1883).

¹⁴ *Munn v. Illinois*, 94 U. S. 113 (1877).

which is to extend their accommodations to all comers. The theater question he covered by arguing—with somewhat less force—that they are licensed by the state representing the public, and that Negroes are part of the public and must be treated on an equal basis. Consequently, in all the cases here involved, Harlan found state action where Bradley had found only private action. “In every material sense applicable to the practical enforcement of the fourteenth amendment . . . [these occupations] are agents of the state, because amenable . . . to state regulation.”

The acceptance of the Court's opinion would, Justice Harlan continued:

lead to this anomalous result: that whereas, prior to the amendments, congress, with the sanction of this court, passed the most stringent laws—operating directly and primarily upon states, and their officers and agents, as well as upon individuals—in vindication of slavery and the right of the master, it may not now, by legislation of a like primary and direct character, guard, protect, and secure the freedom established, and the most essential right of the citizenship granted, by the constitutional amendments. I venture, with all respect for the opinion of others, to insist that the national legislature may, without transcending the limits of the constitution, do for human liberty and the fundamental rights of American citizenship, what it did . . . for the protection of slavery. . . .

Harlan also argued strongly that the grant to Congress was affirmative and not merely corrective; the corrective power would automatically be possessed by the courts and exercised by them. Why then, if corrective power alone was meant, would it be given to Congress?

The substance of Harlan's dissent, then, was that the Fourteenth (and Thirteenth) Amendment was intended to, and did, give Congress an affirmative power to prevent by legislation any discrimination either by states or by agencies which could be considered as agents of the state—and this was to be broadly interpreted. Not only was no other justice willing to go this far, but none even expressed any dissatisfaction with the majority opinion.

The second of these cases, *Plessy v. Ferguson*,¹⁵ is so well known at the moment because of the publicity attending its recent reversal—so far as public education is concerned—in the *School Segregation Cases*,¹⁶ that extended comment is hardly necessary. The case itself concerned segregation—by state law this time—in railroad trains. The doctrine of the *Civil Rights Cases* would almost certainly have called for a denial of the power of the states to pass such laws, but the Supreme Court by 1895 was even more conservative than in 1883. Again an eight-man majority ruled against the Negro rights, this time on the basis of the famous “separate but equal” doctrine: segregation is not discrimination if the facilities provided are equal. Justice Harlan wrote a ringing dissent, saying that the Fourteenth Amendment does not permit any public authority “to know the race of those entitled to be protected in the enjoyment of such rights.” He based his argument on the grounds—surely realistic—that segregation is in itself discriminatory and implies the inferiority of the Negro race,

¹⁵ 163 U. S. 537 (1896).

¹⁶ *Bolling v. Sharpe*, 347 U. S. 497 (1954); *Brown v. Board of Education*, 347 U. S. 483 (1954).

even if the facilities are equal (which, it seems, they seldom have been). And he pointed out that even if segregation was desired by private individuals, the interests of the nation "require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law."

The final case in this series was the *Berea College Case*.¹⁷ The case turned on the interpretation of a Kentucky law requiring private school corporations to segregate their pupils. The Court—again eight members of it—found that the law was merely an ordinary corporate regulation and thus did not violate the Fourteenth Amendment. It is significant to note that, as in *Plessy*, the Court ignored the grounds of its decision in the *Civil Rights Cases*: that only state action was prohibited. For in both of the latter cases, state action was specifically involved.

Harlan's dissent in the *Berea College Case* was one of his strongest. He criticized the Court for its assumption that the Kentucky legislature regarded the non-segregated teaching of pupils as somehow different when conducted by a corporation than when carried on by a non-incorporated school. It was obvious, he said, that the law as written was intended to prohibit non-segregated instruction by *any* kind of school:

It is a reflection upon the common sense of legislators to suppose that they might have prohibited a private *corporation* from teaching by its agents, and yet left individuals and unincorporated associations entirely at liberty, by the same instructors, to teach the two races. . . . There is no magic in the fact of incorporation which will so transform the act of teaching the two races in the same school at the same time that such teaching can be deemed lawful when conducted by private individuals, but unlawful when conducted by the representatives of corporations.

Harlan concluded with a searching question: "Have we become so inoculated with prejudice of race that an American government . . . can make distinctions between . . . citizens in the matter of their voluntary meeting for innocent purposes, simply because of their respective races?"

What is the present status of these three cases? In the strict legal sense the *Civil Rights Cases* still stand. But the courts have largely assumed the powers there denied Congress, and the *Civil Rights* decisions have been seriously undermined by more recent holdings. The *Henderson*¹⁸ and *Morgan*¹⁹ cases have used the commerce clause to rid the transportation system (in its interstate phases) of segregation. *Shelley v. Kraemer*²⁰ has made it plain that state court decisions upholding segregation are extremely suspect. And the broadened scope of the public utilities concept in recent years has made it rather doubtful that the Court's holding that private persons may discriminate would be applied today to railroads and hotels, if not theaters. It should also be noted that many

¹⁷ *Berea College v. Kentucky*, 211 U. S. 45 (1908).

¹⁸ *Henderson v. U. S.*, 339 U. S. 816 (1950), dealing with segregation on interstate dining cars.

¹⁹ *Morgan v. Virginia*, 328 U. S. 373 (1946), dealing with segregation on interstate busses.

²⁰ 334 U. S. 1 (1948).

Northern states have enacted laws expressly prohibiting segregation or discrimination in all businesses which extend their services to the general public; particularly has this been true of hotels, restaurants, and transportation facilities.

The *Plessy* case has been expressly overruled in its application to public education. Its vitality in other fields is extremely doubtful. Attempts have already been made to apply the doctrine of the *School Segregation Cases* to public facilities of all sorts, such as parks, golf courses, and swimming pools, and there is little to indicate that such attempts will not eventually be successful.²¹ It is almost true to say, then, that the separate but equal principle is dead.

As regards the *Berea College Case*, it has never been expressly overruled. But it seems almost beyond doubt that if the states cannot require segregation in public schools, neither can they in private ones. Were the *Berea* case to be adjudicated today, there is little doubt that Harlan's dissent would be the opinion of the majority.

Other race cases decided during the tenure of Justice Harlan were of less significance than those discussed above, but should perhaps be mentioned. Two cases involved state laws regarding segregation in transportation facilities. In *Hall v. DeCuir*,²² the Court struck down a Louisiana law forbidding discrimination, calling it an interference with interstate commerce. The decision was unanimous; while it could be interpreted as an anti-Negro decision, Harlan's vote was more likely based on his deep belief in the plenary powers of the federal government in the field of interstate commerce. Such a construction of his attitude is given color by his dissent in *Louisville, N. O. & T. Ry. Co. v. Mississippi*²³ some years later. In this case the Court, in an opinion by Justice Brewer, held valid a state law requiring segregation on railroad trains. The Court distinguished the two cases by saying that the Mississippi law applied only to intrastate travel. Harlan would have none of such distinctions: if it was unconstitutional to forbid segregation on an interstate carrier, it was also unconstitutional to require it. Both are regulations of interstate commerce and as such infringe on the constitutional powers of Congress. In the recent case of *Bob-Lo v. Michigan*,²⁴ the Supreme Court unconvincingly distinguished the *DeCuir* case while at the same time depriving it of its logical basis; and it is obvious that such other cases as the *Henderson* and *Morgan* cases have pretty much destroyed the force of *Louisville, etc. v. Mississippi*.

Two cases involved the Fifteenth Amendment and Negro voting rights. In *Giles v. Harris*²⁵ the Court refused to extend its protection to a Negro who had been denied the right to register to vote—Justice Holmes saying that the federal courts could not supervise elections. Harlan, Brewer, and Brown dissented. Harlan was concerned at the obvious weakening of the Fifteenth Amendment resulting from the decision. At the same session, the Court ruled unconstitutional a federal law making it a federal crime to use bribery to prevent people

²¹ See Robert B. McKay, "Segregation and Public Recreation," *Virginia Law Review*, Vol. 40, pp. 697-731 (Oct., 1954).

²² 95 U. S. 485 (1878).

²³ 133 U. S. 587 (1890).

²⁴ 333 U. S. 28 (1948).

²⁵ 189 U. S. 474 (1903).

from voting. The grounds for the decision were the specious ones that the law failed to limit its application to national elections: the Court refused to construe the law so as to make it constitutional.²⁶ The peculiarity of the case was that it *did* involve a federal election, so that the Court's ruling was based on a hypothetical situation rather than on the facts of the case before it. Justices Harlan and Brown dissented without opinion. The distinction between state and national elections has been pretty well washed away in recent years by the white primary cases, and there is little doubt that the same is true of *Giles v. Harris*.

Four jury cases were decided, three of them in a single session of the Court. *Strauder v. West Virginia*²⁷ found a statute unconstitutional which restricted jury service to whites. *Virginia v. Rives*²⁸ held that a particular jury panel need not contain any Negroes even though the defendant is a Negro. *Ex parte Virginia*²⁹ ruled that a judge's actions in excluding Negroes from jury service were a violation of the Fourteenth Amendment. Harlan voted with the majority in each case. The fourth case, *Neal v. Delaware*,³⁰ found him writing the Court opinion in a holding that the exclusion of Negroes from grand and petit juries (by jury commissioners) was a violation of the Constitution. These cases still state the law on the subject, although the courts have recently been more sophisticated in their approach: they now look behind the face of the law and judge by the historical *practices* of the states.

Another case involving legal rights was *U. S. v. Harris*.³¹ The case concerned a lynching party which had forcibly removed several Negroes from custody and beat them up, killing one of them. Federal law at the time made it a crime to participate in a private conspiracy to deprive any person of the equal protection of the laws. The Court declared the law unconstitutional—in a clear forerunner of the *Civil Rights Cases*—saying that the Fourteenth Amendment could reach only state, not private, action. Harlan, however, did not dissent, for reasons not known. Possibly he felt that the traditional criminal law was state law and that the Fourteenth Amendment had not changed that situation, but this is merely speculation.

The last of the race cases in which Harlan took part also found the justice taking a position which is difficult to fit in with his general views on the subject. In *Cumming v. Richmond County Board*³² he wrote the majority opinion in a holding that a school district may devote its funds to a white high school without maintaining a Negro high school. The decision was technically based on the legal grounds that injunction was not the proper remedy. It appears that Harlan was greatly influenced by two factors present in the situation: first, that the school board, with limited funds at its disposal, had felt that it had to choose between maintaining a high school for 60 Negro students, or three grade schools for 300 Negro students, and had chosen the latter; second, it appeared that private high schools were available to Negro students at no higher cost than the

²⁶ *James v. Bowman*, 190 U. S. 127 (1903). ²⁷ 100 U. S. 303 (1879).

²⁸ 100 U. S. 313 (1879). ²⁹ 100 U. S. 339 (1879).

³⁰ 103 U. S. 370 (1881). ³¹ 106 U. S. 629 (1883).

³² 175 U. S. 528 (1899).

public one. Harlan obviously felt that the Negroes of high school age were not being very greatly discommoded. It seems likely, however, in view of the recent school segregation ruling, that the Supreme Court would take a different attitude today, especially since the public high schools no longer charge tuition.

Summing up the race cases, it appears that in the overwhelming number of them, and in the most important of them, Justice Harlan correctly assessed the future attitudes of the courts and, indirectly, of public opinion. His dissents in the *Civil Rights* and *Plessy* cases, particularly the latter, have been regarded as classics for some years now, and the latter was directly and highly influential, one may assume, in the *School Segregation Cases*.

II. THE POWER TO TAX

Justice Harlan was a giant of a man, with a temper. At times it boiled over even in the courtroom, although only in cases of extreme provocation. He was criticized in the press for allowing his feelings to get the better of him on two principal occasions: that of the *Income Tax Case* in 1895, and that of the *Standard Oil Case* in 1911 (which will be discussed below). The *Income Tax Case*³³ reveals Harlan as a most human individual; he is said to have shaken his forefinger and shouted angrily while delivering his dissent, looking at Justice Field as he did so. Attorney-General Knox remarked, "I should hate to use any such language about the Court as it said about itself yesterday."³⁴ Harlan himself, not unnaturally, denied that he had been that excited, and also claimed that Field had deliberately whispered, shuffled papers, and in general acted discourteously during the delivery of Harlan's opinion.³⁵

The issue in the income tax litigation was, more clearly than is usual, whether the Court's ideas of wise policy take precedence over those of Congress. Justice Harlan and three other dissenters saw this clearly, but the others confined their dissents largely to the legal merits. Harlan, in addition to an exhaustive legal analysis, went to the root of the issue by baldly accusing the majority—and particularly Field—of adjudicating on the basis of its preferences, and of deliberately seeking a means by which to declare the income tax invalid. Field had not bothered to disguise his dislike of the law; he had agreed with counsel who had asked the Court to "stand in the breach" against the "advancing hosts of Socialism." Field had concluded, "the present assault upon capital is but the beginning. It will be but the stepping-stone to others, larger and more sweeping, till our political contests will become a war of the poor against the rich."

Such arguments received short shrift from Harlan: "With the policy of legislation of this character, the court has nothing to do"; if this decision is to stand "the American people cannot too soon amend their Constitution."

The story can be concluded briefly. The American people agreed with Harlan and the other dissenters, and the Sixteenth Amendment was passed in 1913 giving Congress a power which Harlan had maintained it had possessed all along.

³³ *Pollock v. Farmers' Loan & Trust Co.*, 158 U. S. 601 (1894).

³⁴ See Farrelly, *op. cit.*, n. 4. ³⁵ *Ibid.*

III. THE COMMERCE POWER

Harlan's deep belief in national power (he had been a strong Unionist during the Civil War), already illustrated by his attitude on the race question, was nowhere more pronounced than in his attitude on the scope of the commerce clause. While he was by no means, as will be emphasized further on, an economic radical, he did believe strongly that the commerce power was plenary in nature and broad in scope. This has already been noted in connection with the cases involving segregation in transportation facilities. But perhaps the best illustration is his stand on the Interstate Commerce Act of 1887 and its amendments. The Court for some years, although it found the act itself constitutional, engaged in a process of construing away many of the powers there granted to the Interstate Commerce Commission, using the simple means of restrictive statutory interpretation. Harlan, on the other hand, felt that the statutes should be interpreted liberally so as to give the ICC the actual power to carry out the purposes for which it was created. Brief mention of the principal cases should suffice to bring out this point.

In *Texas and Pacific v. ICC*³⁶ the Court ruled that the ICC had no power to impose on railroads moving goods in foreign trade the same rates they charged for similar goods moving in domestic commerce. As Justice Harlan pointed out in dissent, such a construction would leave such a wide loophole in the act that it would be ineffective: Congress could not be assumed to have intended such an interpretation. In *ICC v. Cincinnati, etc., Ry.*³⁷ the Court went even further in its emasculation of the Interstate Commerce Act, holding that the ICC had no power to prescribe rates; it could only adjudicate them after the railroad had put them into effect. To the same effect was *ICC v. Alabama Midland*.³⁸ Harlan's dissent averred that the ICC was left practically powerless to accomplish its purpose.

Taken in connection with other decisions . . . the present decision, it seems to me, goes far to make the commission a useless body, for all practical purposes, and to defeat many of the important objects designed to be accomplished by the various enactments of congress relating to interstate commerce. . . . It has been left . . . with the power to make reports and to issue protests. But it has been shorn . . . of authority to do anything of an effective character. It is denied many of the powers which, in my judgment, were intended to be conferred upon it.

In another case along similar lines, Harlan dissented without opinion to a ruling that competitive factors may sometimes justify discriminatory rates, and that the railroad may change its rates to meet such factors without gaining the previous consent of the ICC.³⁹

In an opinion by Justice Holmes,⁴⁰ the Court held that the ICC could not require testimony except in connection with violations of the Interstate Com-

³⁶ 162 U. S. 197 (1896).

³⁷ *ICC v. Cincinnati, N. O. & T. P. Ry. Co.*, 167 U. S. 479 (1897).

³⁸ 168 U. S. 144 (1897).

³⁹ *East Tennessee, Virginia & Georgia Ry. Co. v. ICC*, 181 U. S. 1 (1901).

⁴⁰ *Harriman v. ICC*, 211 U. S. 407 (1908).

merce Act, or in investigations for suspected violations, "these being the only matters contemplated by the provision . . . giving the Commission power to require testimony 'for the purposes of this act'." Harlan concurred in a dissent written by Justice Day.

The Hepburn Act of 1906 was intended to clarify the powers of the ICC and restore to it some of those taken away by court decision. But the Court used the same constricting interpretations as before. In a rather amazing decision⁴¹ the Supreme Court, speaking through Justice White, held that the Hepburn Act's provisions prohibiting a railroad from handling any goods "manufactured, mined or produced by it, or which it may own in whole or in part, or in which it may have an interest, direct or indirect," in spite of the coverall nature of the wording, was not intended to apply to the ownership of stock. Stock ownership "is not the 'interest, direct or indirect,' . . . forbidden, . . . but only a legal or equitable interest. . . ." Just what the difference between a "legal or equitable" and a "direct or indirect" interest is, the Court did not get around to explaining. Harlan took the Court to task for not seeing the obvious—that such a construction of the act "will enable the transporting railroad company, by one device or another, to defeat altogether the purpose which Congress had in view, which was to divorce, in a real, substantial sense, production and transportation, and thereby to prevent the transporting company from doing injustice to other owners of coal."

History, of course, has largely vindicated Justice Harlan's reading of the commerce act. Congress has passed amendatory acts giving clearly to the ICC most of the powers withheld by the earlier restrictive decisions of the majority of the Supreme Court. Indeed, the powers now held by the Commission go far beyond even what Harlan might have contemplated.

Another important statute passed under the commerce power was the original Pure Food and Drugs Act. Here again the majority made some attempt to keep the powers given by the act to a bare minimum. *U. S. v. Johnson*⁴² presents an example. Here Justice Holmes—who, as is well-known, did not believe in the efficacy of government regulation, and whose strict judicial neutrality seems to have deserted him in commerce clause cases—wrote an opinion for the Court which held that false statements on the labels of patent medicines are not misbranding so long as they apply only to the curative effects of the medicine rather than to its ingredients. Justice Hughes dissented with the concurrence of Justices Harlan and Day, pointing out that the act could as well be construed to include all misbranding, of whatever nature.

The tendency of the majority in all of these cases is clear: it did not like the laws involved. It may have felt that if Congress had meant to give such powers as those discussed to the agencies, such grants of power would have been unconstitutional. In other words, the majority saved the constitutionality of the laws by reading out of them all possible grants of (in its view) unconstitutional powers. Justice Harlan, on the other hand, thought of the commerce power in

⁴¹ *U. S. v. Delaware & Hudson Co.*, 213 U. S. 366 (1909).

⁴² 221 U. S. 448 (1911).

the broadest terms, at least when it was applied to commerce which was beyond doubt interstate. And when it came to the crux—when Congress specifically added the powers which Harlan had maintained had always been granted—even the majority found itself unable to call them unconstitutional.

Harlan was, nevertheless, a child of his time. There were strict limits, to his mind, separating interstate commerce from that which was not interstate. Here, in his conservatism, Harlan had more in common with his brethren and less in common with 1955 than in the cases we have so far discussed. Thus in the *Adair* case⁴³ he spoke for the Court in invalidating a federal law forbidding a requirement of non-union membership, or discrimination against union members, in the railroad business. To Harlan the right to sell one's labor was a basic right, and in addition he could see no connection between membership in a labor organization and the carrying on of interstate commerce. Even in such cases, however, Harlan construed the law so as to give Congress as much power as possible, as was illustrated by his dissent in the *First Employers' Liability Cases*.⁴⁴ Here the Court held void an employers' liability law for railroads because of the impossibility, in its view, of separating the interstate from the intrastate aspects of the railroad business. Obviously, thought the Court, such a law could apply only to those railroad workers who were actually engaged in interstate commerce. Three justices dissenting, Harlan, Moody and McKenna, agreed that the law could not reach workers not directly involved in interstate commerce; but they felt that Congress should be the judge of the separability of one from the other, and that the act should be allowed to stand as applied to those workers who *were* so involved. Ultimately Congress had the last word, passing a new statute doing what Harlan said the old one did. The Court's decision, in other words, merely—and for no good reason—postponed the inevitable.

IV. THE SCOPE OF THE ANTI-TRUST LAWS

Another extremely important aspect of the commerce clause was presented by the passage of the Sherman Anti-Trust Act in 1890. As is well known, this act prohibited all combinations which were in restraint of interstate commerce. As the first part of Harlan's career had been largely identified with the struggle over discrimination, the latter portion was to be concerned with the proper interpretation of the Sherman Act. A series of important cases attest to the length and bitterness of the struggle, climaxed by the *Standard Oil Case* in the last year of Harlan's life. This case produced a concurring opinion which was criticized for its unjudicial and angry tone much as his earlier dissent in the *Income Tax Case* had been. This bitterness was in large measure the fruit of the long and apparently partly personal battle between Harlan and White, which went back as far as Harlan's service on the Louisiana Commission of 1877,⁴⁵ and in which one of the major issues was the meaning of the Sherman Act. Harlan

⁴³ *Adair v. U. S.*, 208 U. S. 161 (1908).

⁴⁴ 207 U. S. 463 (1907).

⁴⁵ Merlo J. Pusey, *Charles Evans Hughes* (New York, 1951), Vol. 1, p. 277.

for some years held the upper hand, but as new personnel came to the bench—particularly the influential Holmes—the ascendancy was gained by White, and the contrasting opinions of the two (with Harlan now in a minority) are well shown in the *Standard Oil Case*. The climax of the bitterness had come only shortly before with the elevation of White to the Chief Justiceship by President Taft. Harlan had coveted the position, regarding it as a fitting capstone to his long service on the Court;⁴⁶ and there was probably no other justice whom he would have accepted as his chief more reluctantly than White. This series of cases also presents the one major example of the defeat of Harlan not only on his own Court but in the future; for the “rule of reason” against which he battled long and valiantly is still in use by the courts today, as the recent *Du Pont* decision illustrates.⁴⁷

The first case interpreting the Sherman Act set, even if temporarily, a narrow construction of the act which practically at one stroke defeated the intentions of its framers.⁴⁸ The case involved a practical monopoly of American sugar refining, and the Court was called upon by the government to apply the anti-trust law and break up the monopoly. Chief Justice Fuller, in his opinion for the Court, however, concluded that refining and manufacturing are not commerce, and that here refining did not affect commerce directly enough to make the act applicable. A monopoly in manufacturing might interfere with interstate commerce incidentally through control of sales, but this was not the aim of the monopoly, and incidental effects of a legal act were not illegal. Redefining “commerce” to mean almost nothing but “transportation,” Fuller effectively barred the application of the Sherman Act to the major type of business for which it had been intended.

Justice Harlan, in a powerful dissent, called attention to the restriction of the act performed by the majority. But more important, he took issue with Fuller’s definition of commerce. “It is the settled doctrine of this court,” he pointed out, “that interstate commerce embraces something more than the mere physical transportation of articles . . . and the vehicles or vessels by which such transportation is effected. . . . It includes the purchase and sale of articles that are intended to be transported from one state to another—every species of commercial intercourse among the states and with foreign nations.” Further, the activities of a manufacturing monopoly cannot realistically be said to have only an “incidental” effect on commerce: for the whole aim of manufacturing is sale, and sale is commerce.

It is said that manufacture precedes commerce, and is not part of it. But it is equally true that when manufacture ends, that which has been manufactured becomes a subject of commerce; . . . Whatever improperly obstructs the free course of interstate intercourse and trade, as involved in the buying and selling of articles to be carried from one state to another, may be reached by congress . . . [That this monopoly does restrain trade is

⁴⁶ *Ibid.*, p. 278.

⁴⁷ *U. S. v. E. I. Du Pont de Nemours & Co., et al.*, 126 F. Supp. 235 (1954). While Judge LaBuy’s decision held there was no restraint of trade in this case, he also remarked (at p. 335) that the Sherman and Clayton Acts “broadly condemn conspiracies [etc.] . . . that result in monopoly or *unreasonable* restraint of trade” (my italics).

⁴⁸ *U. S. v. E. C. Knight Co.*, 156 U. S. 1 (1894).

undeniable:] restraint is felt in all the states, for the reason, known to all, that the article in question goes, was intended to go, and must always go, into commerce among the several states. . . .

In thus upholding the power of the national government, as was his wont, Harlan spoke for the future. For in no succeeding case has the Court fully accepted the doctrine of the *Knight* case. Indeed, within ten years it was distinguishing away the substance of the doctrine. Harlan lived to see his dissent largely vindicated in fact if not in admission, and in more recent times the decision has been completely and explicitly overruled. In *Addyston Pipe and Steel Co. v. U. S.*⁴⁹ the Court unanimously applied the Sherman Act to a manufacturing monopoly, distinguishing it speciously from the *Knight* case by pointing out that the companies involved were engaged not only in manufacturing but also in the sale and transportation of the product. Harlan was silent, but no doubt enjoyed his victory. And in the *Swift* case in 1905⁵⁰ Holmes spoke, again for a unanimous Court, in applying the act to the stockyards business, speaking of it as a throat through which commerce must pass, but again distinguishing the *Knight* case. (But is not manufacturing also a throat through which commerce passes?)

In 1948 Justice Rutledge, in a long survey of the history of the Sherman Act, clearly regarded the *Knight* case as a dead letter since at least 1937.⁵¹ "The artificial and mechanical separation of 'production' and 'manufacturing' from 'commerce,' without regard to their economic continuity [or] the effects of the former two upon the latter . . .," he said, "no longer suffices to put either production or manufacturing and refining processes beyond reach of Congress' authority or of the statute."

Justice Harlan did not fare so well on the other important aspect of the Sherman Act, the so-called "rule of reason." The Court in its first decisions applying the act, with Harlan in the majority, denied that there were any limits to its application if the fact of restraint of trade was granted. Whether the restraint was reasonable or unreasonable, and whether it would have been legal under common law, the Court felt was outside its jurisdiction to decide. The act applies to "every" combination in restraint of trade, and the early majority took the word "every" literally. Three times within a year the Court argued the question, each time deciding there was no rule of reason under the Sherman Act, and each time by the same vote of 5-4 (5-3 after Justice Field's death). In the *Trans-Missouri Freight Case*⁵² it was specifically rejected; at the same term a petition for rehearing was denied after argument. And the next year, in the *Joint-Traffic Case*,⁵³ the Court once more heard argument on the rule of reason, only to reject it once more. Both opinions were written by Justice Peckham with Harlan voting with the majority. Harlan himself took over the argument in 1903 in the *Northern Securities Case*.⁵⁴ He won the case but lost his majority:

⁴⁹ 175 U. S. 211 (1899). ⁵⁰ *Swift & Co. v. U. S.*, 196 U. S. 375 (1905).

⁵¹ *Mandeville Island & Farms v. American Crystal Sugar Co.*, 334 U. S. 219 (1948).

⁵² *U. S. v. Trans-Missouri Freight Association*, 166 U. S. 290 (1897).

⁵³ *U. S. v. Joint-Traffic Association*, 171 U. S. 505 (1898).

⁵⁴ *Northern Securities Co. v. U. S.*, 193 U. S. 197 (1903).

it was a 5-4 decision with a famous dissent by Holmes, but Brewer, one of the majority, wrote a concurring opinion in which he refused to reject the rule of reason as Harlan had done in his majority opinion. It was, consequently, only a matter of time until the rule of reason would be used. The dislike between Holmes and Harlan may stem from this case, for Holmes was not the man to conceal his intellectual arrogance, and it is not unlikely that Harlan found out that Holmes had little respect for the opinion the Kentuckian (Holmes called him "the last of the tobacco-spittin' judges") had written. Lerner has called Holmes' dissent a "fit counterblast to Harlan's majority opinion."⁵⁵ But it is well known that Holmes never had much faith in the efficacy of the anti-trust laws: he was a firm believer in the survival of the fittest, and felt that such attempts to interfere with nature's course were foredoomed to failure. There seems little doubt that this attitude influenced his approach on the Court to anti-trust cases. For all his belief in judicial neutrality, Justice Holmes was only human and could not completely subdue his own prejudices. In retrospect it seems that Holmes had the better of the practical argument—the anti-trust laws have not been over-effective (but perhaps partly due to the Court's reluctance to enforce them); but it seems equally clear that Harlan had the better of the legal argument—as he pointed out, if the Sherman Act did not apply to cases such as the Northern Securities project, it would be difficult to find situations to which it *did* apply.

The two famous cases⁵⁶ in which the rule of reason was finally applied came at the very end of Harlan's long judicial career. An old and disappointed man, he may be forgiven for being rather irate in his concurrences, especially in view of the casuistical tactics of White's majority opinions. The new Chief Justice apparently felt that it was impossible to overrule the earlier cases in which the rule of reason had been rejected (he had dissented in all three), probably because he thought such a course would lose the majority he wished to command. So he adopted the tactic of denying that a court majority had ever rejected the doctrine. Harlan was perhaps not so angry at the dropping of the earlier rule of construction as he was at the Court's denial that it was doing any such thing. He referred to the *Trans-Missouri Case* as holding the direct opposite of the holding in the *Standard Oil Case*.

Logically, Harlan again had the better of the dispute: there seems no doubt whatever that the Court in 1897 and 1898 had specifically—three times—rejected the rule of reason. White's denials were completely unconvincing. At the same time it must be admitted that the rule of reason had a great deal of public and political appeal: Teddy Roosevelt sponsored it, and there was no doubt that it made the anti-trust laws much more palatable to the business interests of the nation. Then too, the doctrine fitted in well with the *laissez-faire* preconceptions of a Court which, from 1890 to 1935, had no objections to substituting its views of reasonableness and desirable public policy for those of the political authorities of the government. This Court did not believe in judicial self-

⁵⁵ *The Mind and Faith of Justice Holmes*, ed. Max Lerner (Boston, 1943), p. 218.

⁵⁶ *Standard Oil Co. of New Jersey v. U. S.*, 221 U. S. 1 (1911); *U. S. v. American Tobacco Co.*, 221 U. S. 106 (1911).

restraint, nor did it believe in government interference with American business, except perhaps in flagrant cases of abuse such as had been presented by the *Swift* case. It was also true that by 1903, when the *Northern Securities Case* was decided, the opposition to the use of the rule of reason had lost its majority; by 1911 only Harlan was left to object to its use, and by 1912 even Harlan was no longer there. So the rule of reason crept into anti-trust law; it has not yet been dislodged, and perhaps never will be.

V. SUBSTANTIVE DUE PROCESS

At least until the accession of Justice Holmes to the bench, Harlan was the nearest thing to a liberal on the Supreme Court. This does not mean, however, that he was able to divest himself of all the *laissez-faire* doctrines so prevalent in his day. On the contrary, he was an enthusiastic exponent of the use of the Fourteenth Amendment's due process clause to protect private property interests from interference by state governments. While he was a firm believer in the doctrine that powers given to the national government were plenary in nature (even though he might not like their use in specific instances), he was not willing to grant the same latitude to the state governments in their use of the police power. He believed that there were certain things which the states could not do, even though there might be no specific constitutional prohibition, and was willing, like Field and Brewer, to use the due process clause to annul such actions.

Yet Harlan was not as extreme in his use of this doctrine as were some of his brethren. Field particularly, and perhaps Peckham, were willing to prevent almost all state action, while of all the judges on the Court after 1890 and before Holmes' appointment, Harlan was the most moderate in his use of due process. A survey of his opinions—necessarily incomplete—will indicate this fact.

Harlan's first opinion dealing with substantive due process came in *Mugler v. Kansas*⁵⁷—a case which is sometimes regarded as one of the important steps in the development of the concept. While the Court, speaking through Harlan, here upheld a Kansas prohibition law, Harlan went on to make the following comment:

It does not at all follow that every statute enacted ostensibly for the promotion of [morals, health, and safety of the public] is to be accepted as a legitimate exertion of the police powers of the state. There are, of necessity, limits beyond which legislation cannot rightfully go. . . . If . . . a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to these objects, or is a palpable invasion of rights secured by the fundamental law, it is the duty of the courts so to adjudge, and thereby give effect to the constitution.

Thus, while upholding the particular law, Harlan briefly stated his approval of the whole concept of substantive due process.

It seems, however, that neither at this time nor later was Harlan able to make up his mind as to the validity of the concept he had so lucidly stated; either this, or he did not really understand it. For the very next year his opinion in the *Powell* case seemed diametrically to contradict the *Mugler* opinion. The

⁵⁷ 123 U. S. 623 (1887).

Powell decision⁵⁸ upheld a Pennsylvania law prohibiting the manufacture and sale of oleomargarine, with a dissent by Justice Field on the due process issue. But the importance of Harlan's majority opinion was his seeming retraction of all he had said about due process in the *Mugler* case. The aggrieved party, he said, could not offer proof that the legislation was without substantial relation to the police power, for this is a question of "fact and of public policy" which belongs "to the legislative department to determine." Thus he returned to the legislature the very powers he had denied it in the *Mugler* case.

This liberal approach to the police power was continued by Harlan in *Leisy v. Hardin*,⁵⁹ in which he dissented from a Court decision voiding certain parts of an Iowa prohibition statute. The dissent was written by Justice Gray, with Harlan and Brewer concurring. In *O'Neil v. Vermont*⁶⁰ he again dissented, but this time to a Court ruling *upholding* a prohibition law; here, however, his dissent was not based primarily on the due process clause (as was Field's separate dissent) but rather on the immunity from cruel and unusual punishment.

But the Justice swung back to conservatism in his famous and much criticized opinion in *Smyth v. Ames*,⁶¹ in which future profits were considered as a form of property, and the rate of profit a constitutional question. In the *Smyth* case Harlan returned to the substantive idea earlier expressed in the *Mugler* case, using the following words:

The question whether [rates] are so unreasonably low as to deprive the carrier of its property . . . without due process of law, cannot be so conclusively determined by the legislature of the state, or by regulations adopted under its authority, that the matter may not become the subject of judicial inquiry.

This opinion Justice Harlan apparently retained to the end of his life, but even so he was never dogmatic or extreme in his ideas of its proper application. Although he wished to see the evidence justifying the state's action, it was at least possible to convince him with the evidence: the Brandeis brief found him a willing listener. This was illustrated by his long dissent in the *Lochner* case,⁶² in which he examined the evidence of conditions in bakeries on which the New York maximum hours law was grounded, and concluded that there was enough evidence that baking was an unhealthful occupation to justify the statute. And in the *Jacobson* case,⁶³ decided the same year, Harlan wrote the Court's opinion, upholding a Massachusetts compulsory vaccination law against due process claims, echoing once again his *Powell* idea of legislative choice.

Thus it is apparent that Harlan, while believing in the concept of substantive due process as applied to property cases, did not carry it to excess. At the same time he was willing to apply the substantive concept to liberty cases as well—a development of due process which was far ahead of the other judges of his day, who were much more concerned with the protection of property than with the maintenance of liberty. This aspect of due process, which mixes procedural and substantive considerations, will now be considered.

⁵⁸ 127 U. S. 678 (1888). ⁵⁹ 135 U. S. 100 (1890).

⁶⁰ 144 U. S. 323 (1892). ⁶¹ 169 U. S. 466 (1897).

⁶² *Lochner v. New York*, 198 U. S. 45 (1905).

⁶³ *Jacobson v. Massachusetts*, 197 U. S. 11 (1905).

VI. THE FOURTEENTH AMENDMENT AND THE BILL OF RIGHTS

While most justices on the Court were willing to stretch every constitutional point to protect corporate property interests in the period under discussion, they were not nearly so interested in the protection of the liberties guaranteed by the Bill of Rights. After the *Slaughterhouse* decision⁶⁴ made it impossible to use the privileges and immunities clause of the Fourteenth Amendment, the only constitutional hook remaining for such protection was the same clause as that used for property: the due process clause. In view of the specific guaranties of the Bill of Rights, it would have seemed more logical to use substantive due process for individual liberty rights than for those of property. But the Court majority consistently took the view that federal court protection of civil liberties was a drastic change in the federal system which the Fourteenth Amendment could not have been meant to accomplish. In other words, the Fourteenth Amendment was not intended, said the majority, to apply the Bill of Rights to the states. We have since 1920 seen a change in this attitude at least to a partial degree; this change was foreshadowed by the dissents of Justice Harlan, which Frankfurter has belittled by calling them the words of an eccentric exception. It was probably true, and Harlan probably realized, that the due process clause was *not* intended to cover the Bill of Rights into the Fourteenth Amendment; but the privileges and immunities clause possibly was. Since the latter clause had been read out of the amendment in the *Slaughterhouse* holding, the purpose of the amendment could be achieved only in some other way. Harlan chose the due process clause.

Again without attempting to cover all the cases, Harlan's attitude may be brought out by citing the more important ones. *Hurtado v. California*⁶⁵ saw the Court holding that the Fourteenth Amendment did not require the states to use indictment by a grand jury even for capital crimes. Justice Harlan, in a "scholarly and exhaustive" dissent,⁶⁶ concluded with the remark that the Fourteenth Amendment "evinces a purpose to impose upon the states the same restrictions, in respect of proceedings involving life, liberty, and property, which had been imposed upon the general government." This statement epitomizes the approach of Harlan to the amendment: if it could be used to protect property, it could also be used to protect civil liberties.

The *O'Neil* case, mentioned earlier, presented an example of cumulative punishment for violation of a Vermont prohibition law. The sentence mounted up to \$6,638.72 or 19,914 days in prison. Harlan regarded this as an extreme penalty for a relatively minor offense, barred by the constitutional prohibition on cruel and unusual punishment.

. . . since the adoption of the Fourteenth Amendment, no one of the fundamental rights of life, liberty, or property, recognized and guarantied by the constitution of the United States, can be denied or abridged by a state in respect to any person within its jurisdiction. These rights are principally enumerated in the earlier amendments of the con-

⁶⁴ *Slaughter-House Cases*, 16 Wall. 36 (1873).

⁶⁵ 110 U. S. 516 (1883).

⁶⁶ See Thomas J. Knight, "The Dissenting Opinions of Justice Harlan," *American Law Review*, Vol. 51, pp. 481-506 (1917).

stitution. . . . Among those rights is immunity from cruel and unusual punishments secured by the eighth amendment against federal action, and by the fourteenth amendment against denial, or abridgement by the states.

Another case of trial without a grand jury indictment, and this time with an eight-man trial jury, came up to the Court in *Maxwell v. Dow*.⁶⁷ The Court affirmed the conviction. Justice Harlan presented perhaps the most complete examination of the Fourteenth Amendment that has been seen on the Court, in a dissent that anticipated Justice Black's famous dissent in the *Adamson* case. He first went back to the privileges and immunities clause, strongly criticizing the *Slaughterhouse* holding that privileges and immunities of United States citizenship did not apply to the liberties contained in the Bill of Rights.

Without attempting to enumerate them, it ought to be deemed safe to say that [privileges and immunities] . . . embrace at least those expressly recognized by the Constitution . . . and placed beyond the power of Congress to take away or impair. . . . It seems to me that the privileges and immunities enumerated in these Amendments belong to every citizen of the United States.

But it was obvious that the Court was not going to overrule the *Slaughterhouse* decision then any more than it is today; consequently Justice Harlan passed on to the due process clause, the interpretation of which was not at the time quite as settled. He strongly castigated the Court for being more interested in property rights than in individual rights.

If, then, the "due process of law" required by the Fourteenth Amendment does not allow a state to take private property without just compensation, . . . but does allow the life or liberty of the citizen to be taken in a mode that is repugnant to the settled usages and the modes of proceeding authorized at the time the Constitution was adopted and which was expressly forbidden in the national Bill of Rights, it would seem that the protection of private property is of more consequence than the protection of life and liberty of the citizen.

Then, as he often did, Harlan invoked the argument *ad horrendum*, citing the possibilities of what a state might do without falling afoul of the Supreme Court. In an interesting anticipation of the type of question which has since come to the Court, he asked what would happen should the state of Utah establish Mormonism supported by taxation. "Could its right to do so, as far as the Constitution . . . is concerned, be gainsaid under the principles of the opinion just delivered?" He concluded by combating the "partial inclusion" principle which has become the established interpretation of due process since the Cardozo opinion in *Palko v. Connecticut*.⁶⁸ All the rights of the Bill of Rights

are equally protected by the Constitution. No judicial tribunal has authority to say that some of them may be abridged by the states while others may not be abridged. . . . There is no middle position, unless it be assumed to be one of the functions of the judiciary by an interpretation of the Constitution to mitigate or defeat what its members may deem the erroneous or unwise action of the people in adopting the Fourteenth Amendment.

If some of the guaranties of life, liberty, and property, which at the time of the adoption of the national Constitution were regarded as fundamental and as absolutely essential to the enjoyment of freedom, have in the judgment of some ceased to be of practical value, it is for the people of the United States so to declare by an amendment of that instrument.

⁶⁷ 176 U. S. 581 (1899).

⁶⁸ 302 U. S. 319 (1937).

The famous case of *Twining v. New Jersey*,⁶⁹ resurrected by both majority and minority in the *Adamson* case, provided the occasion for Harlan's last great dissent on this subject. This case held that the privilege against self-incrimination was not protected by the Fourteenth Amendment. Harlan, of course, felt that it was. Again in an anticipation of future questions of constitutional law, he spoke specifically of the First Amendment freedoms, and then went on to say: "as I read the opinion of the court, it will follow from the general principles underlying it . . . that the Fourteenth Amendment would be no obstacle whatever in the way of a state law" allowing the rack or thumbscrew, censorship, unreasonable search, or double jeopardy.

This line of thought has never, of course, been completely accepted by the majority of the Supreme Court. It has, however, been resurrected by Justices Black and Douglas in recent years, and it has also been largely vindicated in that the processes of Cardozo's "partial inclusion" have come more and more to mean "full inclusion." Most of the specific guaranties of the Bill of Rights have by now been brought under the Fourteenth Amendment at least to some extent. In his interest in civil liberties, Justice Harlan is strikingly modern, particularly since this interest came, as has been indicated, at a time when everyone else on the Court was distinctly uninterested. If there is any field typical of the post-1937 Supreme Court, it is precisely this one. Harlan would feel very much at home on the modern Court in this respect as in so many others.

VII. THE THIRTEENTH AMENDMENT

Harlan's interest in human liberty was also shown in another field. The Thirteenth Amendment, of course, prohibits slavery. Since slavery is a relatively well-defined institution, there has been little litigation concerning this aspect of the amendment. However, in addition, the amendment bars "involuntary servitude," a phrase with a much less precise meaning, which the Supreme Court has at times been called upon to interpret. As was true of the Fourteenth Amendment, the Court for some years had a tendency to construe the Thirteenth narrowly, and here again Justice Harlan stood out against the tendency.

Only one case is of importance in this connection. The Court, in *Robertson v. Baldwin*,⁷⁰ held that compelling seamen to serve out their contracted terms was not involuntary servitude. The opinion was based on the feeling, as stated by Justice Brown, that merchant seamen had traditionally been regarded as occupying a position somewhat analogous to that of soldiers and sailors, and were thus not affected by the passage of the Thirteenth Amendment. Harlan dissented, refusing to accept the analogy and averring that this was just the kind of situation to which the amendment might be expected to apply.

Judging by the future course of events Harlan had the better of the argument. In *Bailey v. Alabama*,⁷¹ concerning Negro farm workers, the opposite decision was reached, although the Court did not overrule the *Robertson* case. But more important, the Court was overruled by Congress, which in 1897 repealed the

⁶⁹ 211 U. S. 78 (1908).

⁷⁰ 165 U. S. 275 (1896).

⁷¹ 219 U. S. 219 (1911).

law under which seamen could be forced to stay with their ships, and in 1914 in a new seamen's act provided that they could not be so compelled.

VIII. LIBERTY IN THE TERRITORIES

Justice Harlan believed in liberty for all subjects of the United States, regardless of their location. The famous *Insular Cases* gave him opportunity to dissent on this issue, for the Court held in general that the federal government need not observe the fair trial provisions of the Constitution in the newly-acquired territories after the Spanish-American War. For instance, in *Hawaii v. Mankichi*⁷² he dissented to a Court ruling that grand jury indictment and jury trial are not necessary in unincorporated territories, and again in *Dorr v. U. S.*⁷³ he dissented on the jury trial issue. Congress has since seen fit to extend most of the Bill of Rights by law to the territories, but apparently the majority principle still stands as law, even though it may be doubtful (as indicated by *Duncan v. Kohanamoku*⁷⁴) that the present Court would uphold it.

The foregoing survey of Justice Harlan's major dissents furnishes a striking illustration of the usefulness of the dissenting opinion in Supreme Court practice. The dissenting opinion provides an argument opposing that of the majority which may be seized upon by lawyers and urged in succeeding cases with some hope of success. It calls attention to defects in the position of the majority forcing a rethinking and perhaps strengthening of that position. It further calls the majority to the bar of public opinion and enlightened legal opinion. The rather dramatic nature of the dissenting opinions of Justice Harlan is reinforced by the fact that many of them were *single* dissents. Never, perhaps, has one judicial dissenter had such success in forecasting the future course of constitutional law. The famous dissents of Holmes and Brandeis were often written in tandem, and often supported by other members of the Court. The single dissents of Justice William Johnson were—and are—largely forgotten.

What was there about this man Harlan that led him in this path and thus gave us dissenting opinions that still live in constitutional law? His success as a dissenter seems to rest on two major factors. The first was his firm belief in a strong national government with ample powers to carry out the activities assigned to it by the Constitution. Later events—the course of economic development, the world wars, the great depression—have made the necessity of such a strong government so obvious that few are left to dispute it seriously today. Second was his great humanitarian heart, which led him to a belief in human dignity and freedom surpassing that held by any other justice of his day, not even excluding the doughty Justice Holmes. Harlan was not, perhaps, a great jurist: he was not notable, like Gray or Holmes, for his legal learning. His logic was not always constitutionally impeccable. But his heart led him to sound conclusions even when his logic and legal knowledge failed him. If anyone in American judicial history really deserves the title of "The Great Dissenter," Justice John Marshall Harlan of Kentucky is the man.

⁷² 190 U. S. 197 (1903).

⁷³ 195 U. S. 138 (1904).

⁷⁴ 327 U. S. 304 (1946).

A NEW LOOK AT THE CONSTITUENCIES: THE NEED FOR A RECOUNT AND A REAPPRAISAL

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Well-established "facts," scholars know, are sometimes overtopped by research. The "Piltdown man" is a recent case in point. So is the "Jukes family," whose value to hereditists has collapsed under scientific scrutiny. Of considerably smaller magnitude is a case, just discovered, relating to the putative election of state legislators in single-member districts.¹

I. WHAT THE AUTHORITIES SAY

"Popular election from single-member districts is the prevailing method by which individual legislators are chosen," a Committee of the American Political Science Association reports.² Every other authority concurs. Multi-member elections, all agree, are atypical.

"With few exceptions," Ogg and Ray informed students, "senators and members of lower houses are chosen in small, single-member districts." Among other writers of the older texts, John Mathews cited "the prevalent system of . . . single-member districts." Charles Beard asserted that "the rule of one member to each district is generally applied." The same assertion was made by the Willoughbys, Lindsay Rogers, James Garner, and others. "For the purpose of choosing their own legislatures," Willoughby and Rogers noted, "the states are divided into senatorial and representative districts from each of which one senator or one representative is elected."³

Present-day authors impart the same information. If the reader will pick at random a recent textbook which treats, even briefly, the election of state legislators, he is apt to find single-member districts described as "the general rule for both houses." More than likely he will read: "State legislatures are organized on a basis paralleling Congress." "On the state level we elect only one legislator from a given district." This is "the most striking characteristic of

¹ A leave of absence granted by Western Reserve University enabled the writer to complete this and several related studies aimed at testing the common assertion that single-member districts foster two-party politics.

² American Political Science Association, *American State Legislatures: Report of the Committee on American Legislatures*, ed. Belle Zeller (New York, 1954), p. 63. See also pp. 38, 46, 62.

³ Frederic A. Ogg and P. Orman Ray, *Essentials of American Government* (New York, 1952), p. 591, and *Introduction to American Government* (New York, 1951), pp. 820, 821; John M. Mathews, *American State Government* (New York, 1934), p. 222, also p. 229 (footnote); Charles A. Beard, *American Government and Politics* (New York, 1936), p. 577; Westel W. Willoughby and Lindsay Rogers, *An Introduction to the Problem of Government* (New York, 1921), p. 421; James W. Garner, *Political Science and Government* (New York, 1935), p. 632; William F. Willoughby, *The Government of Modern States* (New York, 1936), pp. 300 ff.

American legislative elections." "Only Illinois departs seriously from this practice."⁴

No one, apparently, has checked the relevant data in more than half a century. The Council of State Governments has "not made a general survey" and is "unable to find any compilation which gives this information for all of the states."⁵ On what sources, then, do the authorities rely? The answer, perhaps, is anybody's guess. About 75 years ago a student of representation, Simon Sterne, wrote that in state legislative elections, "as a rule, but one member is elected from each district." The notable exception, he observed, is Illinois with its cumulative voting in three-member districts. Sterne was wrong.⁶ But his error survives in the similar assertions of more recent writers. Their statements are at best misleading and at worst mistaken.

The exceptions to the so-called "rule" are many, not few. They are so many, indeed, that the term "rule" is inappropriate. To assert that single-member state elections are "normal" or "usual" or "general," as the authorities do, is to assert what may be said of multi-member elections too.

II. A RECOUNT OF THE CONSTITUENCIES

Only nine states choose all legislators in single-member elections: California, Delaware, Kansas, Kentucky, Missouri, Nebraska, New York, Rhode Island,

⁴ For example, William Anderson and Edward W. Weidner, *American Government* (New York, 1953), p. 510, and *State and Local Government* (New York, 1951), p. 342; Wilfred E. Binkley and Malcolm C. Moos, *A Grammar of American Politics* (New York, 1951), p. 189; James MacGregor Burns and Jack W. Peltason, *Government by the People* (New York, 1954), p. 342; Robert K. Carr, Donald H. Morrison, Marver H. Bernstein, and Richard C. Snyder, *American Democracy in Theory and Practice* (New York, 1951), p. 168; Charles Cayley, "The State Legislature," Ch. 36 of *An Introduction to American Government*, ed. Paul S. Jacobsen et al. (Harrisburg, 1954), p. 456; James A. Corry, *Elements of Democratic Government* (New York, 1951), p. 230; John H. Ferguson and Dean E. McHenry, *Elements of American Government* (New York, 1954), p. 542; Cullen B. Gosnell and Lynwood M. Holland, *State and Local Government in the United States* (New York, 1951), p. 185; W. Brooke Graves, *American State Government* (Boston, 1953), p. 156; William V. Holloway, *State and Local Government in the United States* (New York, 1951), p. 134; Claudius O. Johnson, *American Government: National, State and Local* (New York, 1951), p. 800; Robert E. Lane, *Problems in American Government* (New York, 1952), p. 69; Joseph E. McLean, *State and Local Government* (New York, 1953), p. 77; Jewell Cass Phillips, *State and Local Government in America* (New York, 1954), p. 144; Clyde F. Snider, *American State and Local Government* (New York, 1950), p. 168; Daniel Wit, *Comparative Political Institutions* (New York, 1953), pp. 194-95, 213.

⁵ Henry A. Goodman, Research Assistant, The Council of State Governments, in a letter to the writer, Sept. 14, 1953.

⁶ Simon Sterne, "Representation," in *Cyclopedia of Political Science, Political Economy and U.S. Political History*, ed. John J. Lalor (Chicago, 1883), Vol. 3, pp. 581-95, at p. 586. Little more than a decade later both John R. Commons and George H. Haynes produced evidence that Sterne was wrong. So did counsel for Wrightson in *State v. Wrightson*, an 1893 New Jersey case contesting the single-district system. See George Haynes, "Representation in State Legislatures," *Annals of the American Academy of Political and Social Science*, Vol. 15, pp. 204-36, 405-26 (1899) and Vol. 16, pp. 93-120, 243-73 (1900); John R. Commons, *Proportional Representation* (New York, 1896), pp. 266-68; 56 *New Jersey Law Reports* 126 (1895).

and Wisconsin. Formerly, such states were fewer; most of the time, nonexistent.⁷

The states have used single-member elections chiefly to compose their senates. Of 1,841 senate seats in 1954 only 221, a trifle over 12 per cent, are contested in multi-member balloting. But these overall figures, lumping together 48 legislative bodies of different sizes, conceal the number, proportion, and identity of states which elect senators on a multi-member basis. There are 16 such states. These, as Table I discloses, vary widely in the percentage of

TABLE I. STATES WITH MULTI-MEMBER SENATE ELECTIONS*

State	Total of Senators	No. from Multi- ple Dists.	% from Multi- ple Dists.	State	Total of Senators	No. from Multi- ple Dists.	% from Multi- ple Dists.
So. Dak.	35	4	11.43	Utah	23	7	30.43
Indiana	50	6	12.00	Arkansas	35	11	31.42
Tennessee	33	4	12.12	Oregon	30	13	43.33
Wyoming	27	4	14.81	Ohio	33	19	57.57
Virginia	40	7	17.50	No. Car.	50	34	68.00
Colorado	35	8	22.86	Maine	33	27	81.82
Mississippi	49	12	24.49	Vermont	31	27	87.09
Louisiana	39	10	25.64	Arizona	28	28	100.00

* This tabulation counts only those cases where two or more senators are chosen by the same district *at the same time*. Those cases are not counted in which staggered terms—e.g., one senator elected every two years in a two-member district—in effect produce single-member elections.

senators chosen in multiple elections. Twelve are located in the South and West. If Alaska enters statehood with its present legislative forms, it will end Arizona's distinction as the only state electing all senators on a multi-member schedule. Hawaii chooses just one of 15 senators in a single-member election.⁸

⁷ For most of the data on legislative constituencies in the states today the writer is indebted primarily to the secretaries of state or, in some instances, to members of their staffs. The writer's inquiry was carried on largely by mail, with the information usually supplied by personal letter. Most of the data were checked against documentary sources.

⁸ Before 1954 Arizona had 19 senators, 10 of them elected in multiple districts, nine in single. An amendment adopted in 1953 increased the total to 28, representing 14 two-member districts, each district voting for both its senators simultaneously.

Alaska is divided into four senatorial constituencies, each represented by four senators, chosen two at a time at biennial elections. In Hawaii also, senators are chosen for staggered terms at biennial elections by four constituencies—the First being represented by four senators, the Second by three, the Third by six, the Fourth by two. In the Second District two senators are elected in one biennium, one in the other. (Letters to the writer from J. F. McKay, Executive Director, Legislative Council of Alaska, Dec. 7, 1954; Farrand L. Turner, Secretary of Hawaii, Dec. 6, 1954; Congressman A. L. Miller, Chairman, Committee on Interior and Insular Affairs, U. S. House of Representatives, Dec. 15, 1954; Stewart French, Counsel, Committee on Interior and Insular Affairs, U. S. Senate, Dec. 28, 1954.)

Most multi-member senate constituencies elect two or three at a time; half a dozen or so elect four. Six senators representing Cuyahoga County in the Ohio legislature comprise the largest bloc chosen at a single election by any one senatorial district in the United States.⁹

References to the misnamed "rule" of single-member state elections relate primarily to the more numerous part of the legislature, usually called the house

TABLE II. STATES WITH MULTI-MEMBER REPRESENTATIVE ELECTIONS

State	Total of House Mem- bers	No. from Multi- ple Dists.	% from Multi- ple Dists.	State	Total of House Mem- bers	No. from Multi- ple Dists.	% from Multi- ple Dists.
Iowa	108	18	16.66	Mass.	240	144	60.00
Maine	151	41	27.15	Oklahoma	123	74	60.16
No. Car.	120	33	27.50	W. Virginia	100	62	62.00
Indiana	100	34	34.00	New Hamp.	400	249	62.25
Minnesota	131	45	34.35	Alabama	106	69	65.09
Louisiana	100	36	36.00	Oregon	60	40	66.66
Michigan	110	41	37.27	New Mexico	55	42	76.36
Virginia	100	38	38.00	Mississippi	140	110	78.57
Arkansas	100	40	40.00	Connecticut	279	220	78.85
Texas	150	61	40.66	New Jersey	60	50	83.33
Georgia	205	84	40.97	Wyoming	56	48	85.71
Idaho	59	25	42.37	Nevada	47	41	87.23
So. Dak.	75	32	42.66	So. Car.	124	111	89.51
Ohio	136	59	43.38	No. Dak.	113	105	92.92
Penna.	210	97	46.19	Illinois	153	153	100.00
Tennessee	99	50	50.50	Maryland	123	123	100.00
Florida	95	51	53.68	Washington	99	99	100.00
Montana	94	53	56.38	All	4,486	2,616	58.31
Colorado	65	38	58.46				

of representatives. A panoramic view of the 48 houses, including Nebraska's single chamber, reveals that what the authorities term a "few exceptions" add up to more than 45 per cent of the seats—2,616 of 5,762—and are distributed among three-fourths of the states. The 12 states which elect no multiple-district

⁹ Multnomah County in Oregon, represented by seven senators, elects five one time, two the next. Denver's eight senators are elected four every two years; Salt Lake City's seven, four at one election, three the next; Indianapolis's five, four at one time, one the next. Vermont has two four-member districts, Maine one. In three-member elections three senators are chosen in Arkansas, 15 in Maine, six in Mississippi, three in Ohio, three in Utah, nine in Vermont, three in Virginia. All other multiply-elected senators are chosen in pairs.

representatives are the nine first named above, plus Arizona, Utah, and Vermont.¹⁰

Among the 36 states which contain them, the 2,616 "exceptions" amount to more than 58 per cent, outnumbering nearly three to two the 1,870 representatives elected in single-member districts. There are, as Table II shows, broad variations from state to state in the proportion named by multiple elections. Sectional variations, exhibited in Table III, are narrower. Within sections, however, diversities are considerable. In the West, the Middle West, and the Border, the percentage of multi-member representation varies from zero in some states to 100 per cent in others. Among the Eastern and New England

TABLE III. SECTIONAL DISTRIBUTION OF MULTI-MEMBER HOUSE ELECTIONS

Section	Total of Representatives in Section	Number Chosen in Multi-member Voting	Percentage Chosen in Multi-member Voting
West	755	386	51.12
South	1,339	683	51.00
New England	1,416	654	46.18
Middle West	1,194	487	40.78
Border	638	259	40.59
East	420	147	35.00
All	5,762	2,616	45.40

states the range swings from zero to 83.33 per cent. In the South, the only section where the electoral map of every state is a jigsaw of single and multiple districts, variations are smaller than elsewhere.

Table IV shows that the great majority of the 2,616 multiple-district choices are picked by twos and threes, with the ratio between double- and triple-district representatives roughly two to one. A sizable number, 426, located in 26 states, speak for four-, five-, or six-member districts.

Twenty-nine constituencies, represented by 265 legislators in 17 states, choose seven to 17 members each. From those electing seven, voters send to the capitol of Texas 21 members, Montana 14, Oklahoma 14, and Alabama, Maine, Tennessee, and Virginia seven each. Eight-member elections, returning 40 in all, take place in Arkansas, Montana, South Carolina, South Dakota, and Texas.

¹⁰ These 12 states account for 1,276 of the 3,146 single-district state representatives. In other words, more than 40 per cent of *all* single-district state representatives are concentrated in just a dozen states. The distribution numerically is as follows: Arizona, 80; California, 80; Delaware, 35; Kansas, 125; Kentucky, 100; Missouri, 157; Nebraska, 43; New York, 150; Rhode Island, 100; Utah, 60; Vermont, 246; Wisconsin, 100. (In the absence of a second chamber in Nebraska, that state's 43 single-district unicameral legislators—officially styled "senators"—are counted here a second time. Without them, the overall proportion of single-district representatives would of course be somewhat less than here indicated, that of multiple-district representatives somewhat greater.)

TABLE IV. DISTRIBUTION OF REPRESENTATIVES AMONG
MULTIPLE DISTRICTS IN 36 STATES

State	No. of Reps. Elected in Districts with 2, 3, 4, 5, 6 or More Members						State	No. of Reps. Elected in Districts with 2, 3, 4, 5, 6 or More Members					
	2	3	4	5	6	More		2	3	4	5	6	More
Ala.	52	6	4			7	N.H.	92	63	52	30	12	
Ark.	22	6	4			8	N.J.	6	9	8		6	21
Colo.	12	3	8			15	N.M.	30	6			6	
Conn.	220						N.C.	16	9	8			
Fla.	36	15					N.D.	44	48	8	5		
Ga.	60	24					Ohio	6	6		15	6	26
Idaho	12	9	4				Okla.	36	24				14
Ill.	153						Ore.	12	3	4	5		16
Ind.	6	12		5		11	Pa.	62	15	20			
Iowa	18						S.C.	38	18	8	10		37
La.	26	6	4				S.D.	14	6	4			8
Mne.	16	9	4	5		7	Tenn.	37*				6	7
Md.	14	15	16		78		Texas	12	12	8			29
Mass.	96	48					Va.	22	3			6	7
Mich.	20	21					Wash.	78	21				
Minn.	38	3	4				W. Va.	10	15	16	10		11
Miss.	110*						Wyo.	10	18	8		12	
Mont.	16	6	4	5		22	Totals	1,925*	204		90	132	265
Nev.	14		8			19							

* Because Mississippi and Tennessee elect "floater" representatives—i.e., representatives shared and chosen by two or more districts voting together—the writer has not yet been able to determine precisely the number of two-member as distinct from three-member constituencies. The combined total of two- and three-member-district representatives, counting "floaters," is 110 in Mississippi, 37 in Tennessee and, as indicated, 1,925 for the 36 states together.

Bigger districts, numbering a baker's dozen, are distinctly an urban phenomenon. Nevada's nine- and 10-member districts center around Las Vegas and Reno. The Hudson and Essex County constituencies in New Jersey, represented by nine and 12 members respectively, radiate out from Jersey City and Newark. South Carolina's three largest constituencies, controlling the choice of 29 legislators, focus upon Charleston, Greenville, and Spartanburg. At the heart of the 11-member districts in Indiana and West Virginia are Indianapolis and Charleston. Colorado's 15-member district has its hub in Denver, while Oregon's 16-member district in Multnomah county revolves about Portland. The nuclei of the two greatest districts in Ohio—nine representatives for Hamilton county, 17 for Cuyahoga—are Cincinnati and Cleveland. Until 1954 Detroit's 21-member district was the giant of the giants. The Michigan legislature, armed by a constitutional amendment in 1952, has chopped this giant into bits and pieces which now elect but two or three members each.¹¹

¹¹ The mammoth district had grown up under the protection of Article IV, Section 3, Michigan Constitution of 1850, later Article V, Section 3 of the 1908 Constitution provid-

Exceptional features mark the apportionment in several of the 36 states. In Connecticut and Iowa no electorate votes for more than two representatives. Illinois apportions seats entirely on a three-member schedule. New Hampshire, first in the number of multiple state elections, contains a third of all five-member, more than a fourth of all four-member districts. Maryland's house, based over 63 per cent on six-member districts, is unique in its preponderance of lawmakers sitting for large constituencies. Almost 50 per cent of South Carolina's representatives, over 40 per cent of Nevada's, and 35 per cent of New Jersey's are chosen by districts of eight or more members.

Hawaii and Alaska, like three of the states, name all representatives in multiple elections. Districts of four or more are the rule, the only exception being a three-member district in Alaska. Hawaiians elect 30 members, three districts returning four each and three others six each. Alaskans choose 24 in districts of three, five, six, and 10 members, respectively.

III. THE HISTORICAL PREDOMINANCE OF MULTIPLE DISTRICTS

The multiple district is no departure from the good old days and the tried old ways. It is not, as giants of the type might lead one nowadays to think, a makeshift arrangement inspired by urban agglomerates. Neither the multiple district nor its widespread use is an emergent of recent times. It is the single-member district that stands outside of history, an alien to the past, a new-fangled and upstart thing.

The constituencies of England during most of Parliament's long career were the natural, undivided communities of everyday life—the shires, the towns, the boroughs. To represent them in the House of Commons these constituencies each elected two or three, not often more, knights for the shires, burgesses for the towns and boroughs. Such, from the thirteenth century to the nineteenth, were the electoral units of England. Gladstone hated to see them go in 1885, the year the single-member plan came to England largely in response to clamorings for minority representation. Ancient communities were hacked into two, three, or more "districts." Gladstone's sense of history and community was wrenched.

As so often happened in the development of English government, the historic

ing that "no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled." Faced with the further enlargement of Detroit's 21-member district, the legislature in 1952 secured the adoption of an amendment providing "that when such township or city shall be entitled to more than 5 representatives, then such township or city shall be divided into representative districts . . . with not less than 2 nor more than 3 representatives in any 1 district." As a practical matter this amendment affects only Detroit.

In the 1954 general election the voters of Oregon adopted a constitutional amendment permitting the legislature to subdistrict the larger counties. Subsequently, during the 1955 legislative session, Multnomah county was subdivided into four districts, each of which will choose four representatives at the 1956 general election.

In September, 1955, the voters of New Mexico approved an amendment which allows the legislature to number the seats in a multi-member district. This requires the candidate to specify the seat he is contesting and thus, in effect, sets up single-member elections.

system of multiple representation began as a spur-of-the-moment, pragmatic solution to an immediate, practical problem. In the thirteenth century roads to London were lonely, rough, and bandit-ridden—two or three men would afford each other company and protection. Besides, once the men were safe in London the arrangement might best serve constituents—the men could watch and check each other.¹²

Perhaps considerations of a similar kind, certainly the promptings of tradition, caused the London Company to have summoned for the opening of the Virginia House of Burgesses in 1619 "two Burgesses from each Plantation freely . . . elected by the inhabitants thereof." From this time on, throughout the colonial years, representation in the Old Dominion, like representation in the mother country, was founded mainly upon the multiple district. Sometimes a district's representatives numbered as many as eight.

The story is the same in the other colonies. Multiple districts were the rule, single ones the exception. A colonial act of Maryland, citing the English example, fixed at four the representation for most constituencies. A Delaware statute instructed each county to elect at large a minimum of six. A majority of North Carolina's legislators represented five-member, others mostly two-member districts. Members of Georgia's house usually spoke for two-, three-, and four-member constituencies. South Carolinians then as now voted in districts often remarkable for size. Their 10-member constituencies today continue a history beginning in 1683 when Berkeley and Colleton counties each sent 10 representatives to the colonial assembly.¹³

Among the middle colonies New Jersey at times outdid even South Carolina, with Burlington and Gloucester counties choosing at large 20 each, Salem 10, and Cape May five. Later, counties and towns were assigned two members apiece. In Pennsylvania the colonial assembly was drawn wholly from four- and six-member districts. In New York, too, representatives typically came from multiple constituencies. Without exception the plural district formed the dominant pattern of election in all New England colonies. Massachusetts allotted two representatives to every town, New Hampshire two or three. In Connecticut under the Fundamental Orders three or four deputies represented each constituency. Subsequently the colony's charter of 1662 set up a two-mem-

¹² *Report of the Royal Commission on Electoral Reform* (London, 1910), pp. 1-3; Royal Commission, *Minutes of Evidence* (London, 1910), pp. 78, 91, 93; Simon Sterne, *Representative Government* (Philadelphia, 1871), pp. 31-33; Charles Seymour and Donald P. Frary, *How the World Votes* (Springfield, 1918), Vol. 1, p. 64; Norman Gash, *Politics in the Age of Peel* (London, 1953).

¹³ Except as otherwise indicated, the sources for this section are contained in *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*, 7 vols. (Washington, 1909), ed. Francis N. Thorpe.

On the colonies, see also Albert E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America* (Philadelphia, 1905); Elmer C. Griffith, *The Rise and Development of the Gerrymander* (Chicago, 1907); Elmer I. Miller, *The Legislature of the Province of Virginia* (New York, 1907); William H. Fry, *New Hampshire as a Royal Province* (New York, 1908); Edwin P. Tanner, *The Province of New Jersey* (New York, 1908).

ber system largely still intact. Towns in Rhode Island sent two, four, or six members each to their colonial assembly.

For nearly a century and a half after the Declaration of Independence the American states elected by far the greater part of their lawmakers in multiple constituencies. The first 13, following colonial precedent, established popular assemblies wholly or predominantly on a multi-member basis.¹⁴ So did two of the three new states admitted to the Union before 1800, Kentucky and Tennessee. The fourteenth state, Vermont, was first to organize—apparently in 1785—a popular assembly on a single-member footing.¹⁵ This state thus holds the record for the largest experience with single-member elections in American politics—probably in any politics.

Another early advance of the single-member principle took place in the composition of senates, then comprising usually a dozen men or less. As of 1800 seven of the 16 states had apportioned their few senators to an equal number of districts. Other states thereafter applied the single-member principle more commonly to senate than to house elections. Even so, it was 1848 before the number of such states passed the halfway mark. By 1870 twenty of 37 states, by 1912 thirty of 48 had formed their senates on the single-district plan. Since then, two more states have reconstructed their senates on this basis.¹⁶

Meanwhile, few states have completely adopted the one-member principle for house elections. In 1842 the Whig party pressed through Congress a law requiring single districts for the national House of Representatives. At this time, with 26 in the Union, not one state elected all senators and representatives

¹⁴ Seven Revolutionary constitutions—those of Delaware, Georgia, Maryland, New Jersey, New York, Pennsylvania, and South Carolina—provided for the election of all representatives in multi-member constituencies. Rhode Island, continuing government under its colonial charter, apparently elected all representatives on a multiple basis too. The five other original states elected most, in some cases nearly all, the same way.

¹⁵ According to Robert Luce, New York in 1846 was the first state to put its popular house on a single-member basis. See *Legislative Principles* (Boston, 1930), p. 381. However, this writer found a provision in the Vermont Constitution of 1793 (Ch. II, Section 7) requiring establishment of single-member districts for all members of the lower house. Checking further, he was informed of the following by Edward A. Hoyt, editor of the Vermont state papers, in a letter of Dec. 17, 1954: "The Journal of the General Assembly . . . under date 13 October 1785 makes it evident that only one member was chosen from each town for this session. As far as I am able to determine, only one member from each town was actually chosen from this time forward despite Constitutional provision apparently to the contrary." The constitutional provision referred to first appears in the Constitution of 1777 authorizing all towns with at least 80 taxable inhabitants to choose two representatives each.

¹⁶ As of 1800, the seven states with single-district senates were Georgia, Kentucky, New Hampshire, New Jersey, North Carolina, South Carolina, and Virginia. By 1848, with 30 states, the seven had been increased by Alabama, Florida, Illinois, Louisiana, Maryland, New York, Rhode Island, Texas, and Wisconsin. By 1870, with 37 states, North Carolina and Virginia had deserted this company; but the total was raised to 20 by the addition of Kansas, Massachusetts, Michigan, Minnesota, Missouri, and West Virginia. By 1912, with 48 states, these 20 had been joined by California, Connecticut, Delaware, Idaho, Iowa, Montana, North Dakota, Oklahoma, Pennsylvania, and Washington. This number has been raised to 32 since 1912 by the addition of Nebraska and New Mexico.

in this fashion. Vermont was still alone in choosing all representatives one to a district. Maine selected more than half this way. Elsewhere, all or most representatives won their seats in multi-member districts.¹⁷

Among the 37 states of 1870, house members from multiple districts continued to outnumber those from single. Six states, pictured in Figure 1, appor-

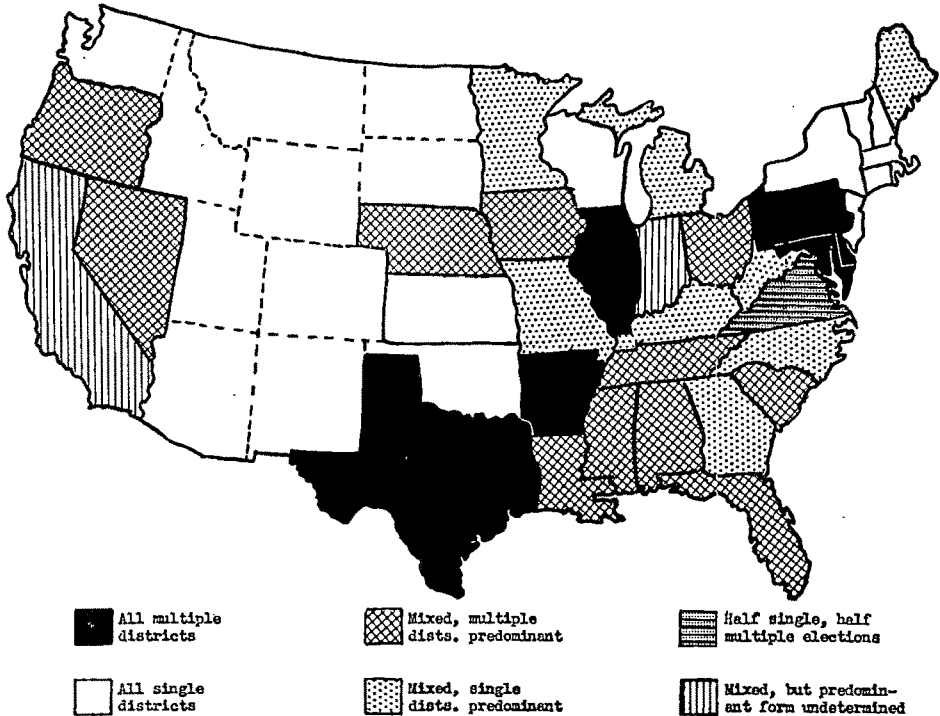


FIG. 1. Representative Districts in the 37 States of 1870.

tioned representatives exclusively on a multi-member schedule. Four others did practically the same—South Carolina had but one single district, Nevada two, Oregon six, Florida a few more. At least 11 other states named most representatives in multiples of two, three, four, or more. Vermont, however, no longer was distinctive. Since 1846 four states had adopted the single-district principle for both houses.¹⁸ Eight other states now elected most representatives in one-mem-

¹⁷ Delaware, Maryland, New Jersey, New York, Pennsylvania and, probably, Rhode Island still had all representatives mending their fences in multiple constituencies. Virtually in the same class were South Carolina and Georgia which, respectively, named but one and two representatives in single-member districts. Rhode Island's new constitution that year, like some other state constitutions, warned explicitly that "no town or city shall be divided into districts for the choice of representatives."

¹⁸ New York in 1846; Wisconsin, 1848; New Jersey, 1852; Kansas, 1858.

ber constituencies. Uniquely, Virginia's house was filled half from single, half from multiple districts.

The one-member principle, thus advancing, suffered in 1893 a reversal in New Jersey. The state's highest court held that the legislature had no constitutional authority to subdivide counties, as 40 years earlier it had, into single

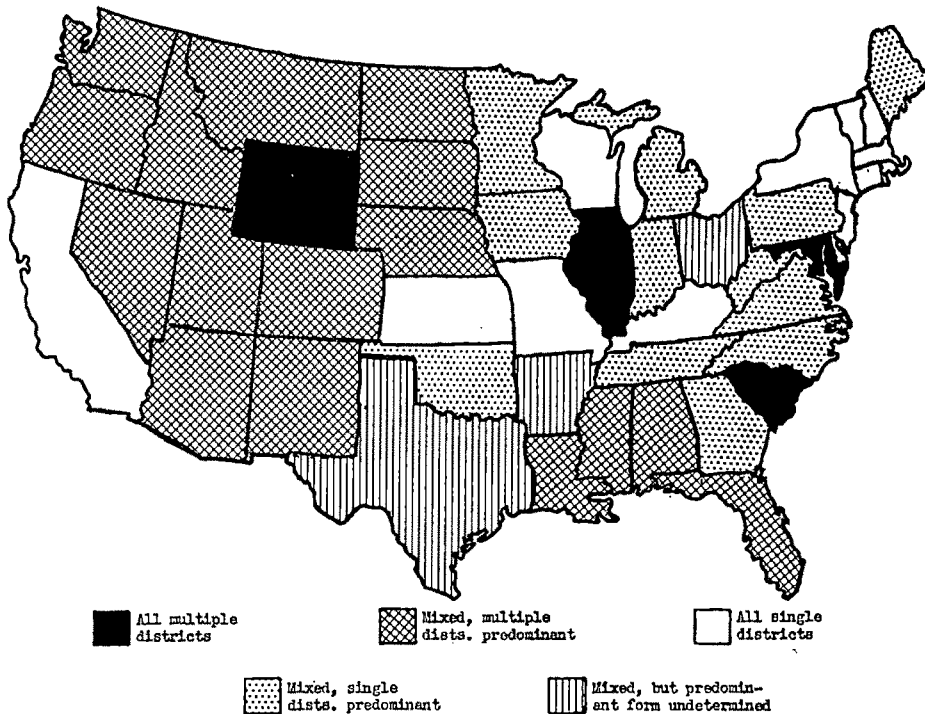


FIG. 2. Representative Districts in the 48 States of 1912.

districts. In his winning argument the complainant reviewed multiple- and single-member systems then prevailing. "In spite of the supposed popularity of this last plan," he observed, "it does not include the greater number of states."¹⁹

When the forty-eighth state entered the Union in 1912, multiple-district representatives still dominated numerically the popular houses of at least half the states, possibly more.²⁰ In the interval since 1870, however, all-single-member states had come to outnumber, nine to four, all-multi-member states.

¹⁹ Complainant's brief, *State v. Wrightson*, 56 *New Jersey Law Reports* 126, p. 154.

²⁰ "Possibly more" because Arkansas, Ohio, and Texas, not included in this generalization, may have had more multiple- than single-district representatives in 1912, but the writer does not have precise information for these states at that time.

Figure 2 portrays this and other aspects of the electoral-district map in 1912.²¹ Outside the nine states with all-single-member houses, representatives elected by multiple districts continued to be, as they always have been, more numerous than those chosen singly. Subsequently, the nine states have grown to 12, augmented by Arizona in 1918, Nebraska in 1921, Utah in 1938.

IV. THE SIGNIFICANCE OF THE DATA

The number of members to be elected by legislative districts has long engendered controversy—among politicians as well as academicians. Back in colonial times men were occasionally provoked to violence by such controversy. The defenders of five-member districts in North Carolina before the Revolution exchanged shots more than once with the stalwarts of smaller districts. More prudent men in later times held their fire to sharp words and wounding phrases, their fusillades rending the air and filling the records of almost every state convention in the nineteenth century and ricocheting afterward through many a legislative hall and campaign forum.

The size of a district's representation is, in short, one of the tough perennials of group and party conflict. Michiganders fought about it only a couple of years ago. As these lines are written Republican leaders of Ohio have stirred up a fracas by proposing to do to Cuyahoga county what Republican leaders of Michigan succeeded in doing to Detroit. They want to carve Ohio's—and the nation's—biggest district into smaller pieces. Unfailingly this kind of surgery incites political warfare and inspires purple bombast—"an artificial anatomy," as one embattled politician of the nineties put it, is being lopped from the quivering flesh "of a living county hewn into *dissecta membra*."²² The issue is by no means confined to American state politics. The localities are frequently embroiled in the question whether councilmen shall be chosen by the ward system or by general ticket. In British and Continental politics, also, the relative merits of single and of multiple elections comprise an historic and recurring issue.²³

Political scientists, too, think that single- and multi-member ballotings are

²¹ Among the five states entering the all-single-member category between 1870 and 1912, Missouri did so after 1875, California in 1879, Kentucky in 1890, Delaware in 1897, Rhode Island in 1909.

²² Complainant's brief, *State v. Wrightson*.

²³ Robert Luce has observed aptly that "The most difficult and most controverted problem of apportionment concerns the number of members to be elected from a district." See his *Legislative Principles* (Cambridge, 1930), Ch. 17. Also: Raymond Leslie Buell, "Political and Social Reconstruction in France," this REVIEW, Vol. 15, pp. 27-52 (Feb., 1921); Phillip Carr, "Electoral Systems and Reforms in France," *Contemporary Review*, Vol. 129, pp. 325-33 (March, 1926); Maurice Duverger, *Political Parties* (London, 1954), pp. 59-60, 356 ff.; James W. Garner, *op. cit.*, pp. 629-36, and "Electoral Reform in France," this REVIEW, Vol. 7, pp. 610-38 (Nov., 1913); Robert K. Gooch, "The Antiparliamentary Movement in France," this REVIEW, Vol. 21, pp. 552-73 (Aug., 1927); A. Lawrence Lowell, *Governments and Parties in Continental Europe* (Cambridge, 1896); Vol. 1, pp. 157-61, 204 ff.; Royal Commission on Electoral Reform, *Minutes of Evidence* (London, 1910).

significantly different. Generally they believe that single districts produce better results. This is largely hypothesis. Perhaps the chief value of the data offered here is the opportunity revealed for testing some widely held assumptions. Are these more reliable than the "rule" of single-member districts?

How valid, for example, is the common assertion that only one-member elections foster two-party politics? According to the accepted theory, diverse political elements, hot to share the single prize, are compelled to moderate demands, compromise differences, and work together for a common victory. Two rival formations, each hopeful of a majority, emerge, and minor parties are squelched. This theory, vouchsafed by many a textbook, has taken hold so generally that in 1948 the Research Committee of the American Political Science Association suggested the time might be ripe for an attempt at empirical verification.²⁴ If so, data on multiple districts would be relevant.

The Research Committee also recommended that "the representative unit" be studied "from the point of view of the groups most benefited and least benefited."²⁵ This writer's investigation shows that rural interests and their allies almost always spearhead the drive for single districts while urban elements put up resistance. Comparison of single and multiple districts might disclose the power differentials, if any, at stake. Questions of apportionment obviously are involved. In 1951 a special committee of the Association, reporting a study made for federal agencies, referred to one-member elections as "this desirable requirement," apparently on the assumption that single districts yield the more democratic representation.²⁶ Where is the evidence? Is apportionment more nearly equal in, say, New York than Massachusetts, Wisconsin than Illinois, California than Washington? The supreme court of New Jersey concluded years ago that single districts, compared with multiple, provide greater opportunities and temptations to gerrymander. More recently political scientists have suggested, unfortunately without proof, that equal representation is technically more feasible with multiple districts.²⁷ Comparative studies would, clearly, be useful.

Such studies, moreover, should interest the friends of party government. In political debate critics and champions have agreed that one-member elections work against party cohesion. Here again, though, evidence is scant. The single

²⁴ Research Committee, American Political Science Association, *Research in Political Science*, ed. Ernest S. Griffith (Chapel Hill, 1948), p. 37.

²⁵ *Ibid.*, p. 36.

²⁶ Committee on Reapportionment of Congress, American Political Science Association, "The Reapportionment of Congress," this *Review*, Vol. 45, pp. 153-58, at p. 154 (March, 1951). Though the Committee addressed itself to congressional elections, its language suggested a general endorsement of the single-member principle. The historic fact is, indeed, that the federal example has been responsible for encouraging the spread of single districts to state elections. Cf. Walter F. Dodd, *State Government* (New York, 1928), p. 153; V. O. Key, *Politics, Parties and Pressure Groups* (New York, 1952), p. 330.

²⁷ Lashley G. Harvey, "Some Problems of Representation in State Legislatures," *Western Political Quarterly*, Vol. 2, pp. 265-72 (June, 1949); David O. Walter, "Reapportionment of State Legislative Districts," *Illinois Law Review*, Vol. 37, pp. 20-43 (1942).

district, critics say, is the answer to a pressure group's prayer. The representative for such a district, they contend, is more at the mercy of factional power than the several spokesmen for a multiple district. Upon him alone the group can concentrate its fire. He is a lone wolf soon made into a sitting duck. After Britain's switch to single districts Arthur Balfour complained that "small, persistent, and selfish interests have now too much power." This is "inevitable in single-member constituencies." What is more, critics argue, the representative tends to develop a narrowness of outlook, a preoccupation with local concerns, a passion for the logroll and the porkbarrel. An assembly based on single districts, Gambetta was convinced, is a "broken mirror" in which a community cannot see its own image. Duverger's observations tend to support these contentions.²⁸

Champions of the single district, on the other hand, claim that the voter's control is strengthened, his power of choice enhanced. They rejoice that one-member elections break up "caucus combinations" and focus attention upon "the man rather than the party." For this reason, they insist, "better" men enter the race and win. Earlier, Montesquieu offered a similar argument, asserting that single districts encourage the electorate to choose with discrimination. Nowadays good-government reformers as well as the textbooks echo this assertion.²⁹

It has not gone unchallenged. Bryce, Luce, and other competent observers have testified that multiple districts, embracing sizable constituencies, are the more likely to recruit men of breadth and eminence—men who may be passed over or repelled by the triviality and localism of single-district politics. Bryce deplored the spread of one-member elections, charging that in the American states "the composition of the legislature has declined ever since. . . . The area of choice being smaller, inferior men are chosen." Furthermore, others have maintained, "the damage done by the single district is greater here than it is abroad because of our practice in restricting choice to the residents of the district."³⁰

²⁸ Duverger, *op. cit.*, and other references in footnote 23.

²⁹ This type of argument has been part of the stock-in-trade of single-district advocates for more than a century, with examples to be found in the proceedings and debates of practically every state constitutional convention. See, for example, *Debates and Proceedings in the New York Convention* (Albany, 1846), especially pp. 291–332, 347–60; also *Proceedings of the New Jersey State Constitutional Convention of 1844* (1942, Writers' Project ed.), pp. 282 ff.; *State v. Wrightson, op. cit.* esp. pp. 157–76; Luce, *op. cit.*; Garner, *op. cit.*, pp. 632–35; Anderson and Weidner, *American Government*, pp. 510–11; James D. Barnett, "Unitary-Multiple Election Districts," this REVIEW, Vol. 39, pp. 65–68 (Feb., 1945); *Cleveland Plain Dealer*, Jan. 10, 1955, p. 18.

³⁰ James Bryce, *The American Commonwealth* (London, 1889), Vol. 1, pp. 463–64; Luce, *op. cit.*, p. 392 and ch. 17 passim; Garner, *op. cit.*, p. 635.

In New York, politicians of such diverse temperaments as Thurlow Weed and Horace Greeley were agreed that the legislature, especially the senate, had sunk in the quality of its personnel since the adoption of the single-member system. A Pennsylvania governor, pleading with his state's constitutional convention in 1873 not to establish single districts, cited New York as proof that legislatures decline under the one-member system. This convention discussed the matter extensively.

Midst the claims and counter-claims, only one thing is certain. The virtues of the one-member district—"this desirable requirement"—are not beyond dispute. The data presented here, rescuing from limbo the historic type of multiple district still in common usage, divulge an opportunity to examine the issues and assumptions empirically.

A study of legislative tenure by Charles Hyneman might serve as a pilot. How well a lawmaker knows his business, Hyneman pointed out, depends considerably upon the length and continuity of his tenure. Surveying 10 selected states Hyneman observed that "legislators . . . from multi-member districts seem . . . to survive a bit longer than those who stand as the lone representatives of their constituency." On the basis of this limited study, he cautioned, "it would be rash to conclude . . . that the creation of multi-member districts is a sure path to legislative longevity."³¹ Though restricted in scope, the study nonetheless affords a sample of the kind of inquiry which can be undertaken and which may prove more instructive than *a priori* speculation.

Of course, so long as political scientists take for granted that multi-member elections are "the exception" among the states and single-member districts "the rule," few such inquiries will be thought of, much less carried out.

³¹ Charles S. Hyneman, "Tenure and Turnover of Legislative Personnel," *The Annals*, Vol. 195, pp. 21-32, at p. 28 (Jan., 1938). Hyneman pointed out that "the experience of Pennsylvania has been quite opposite." States surveyed were California, Illinois, Indiana, Iowa, Maine, Minnesota, New Jersey, New York, Pennsylvania, and Washington. See also the study by Hyneman and Houston Lay, "Tenure and Turnover in the Indiana General Assembly," this *REVIEW*, Vol. 32, pp. 51-67, 311-32 (Feb., Apr., 1938), wherein the authors conclude that in Indiana during the period covered "neither transience nor permanence is peculiar to either type of district." *Ibid.*, p. 313. Robert Luce has written: "It is probable that on the whole the group system makes it easier to keep in office during a series of terms men especially qualified for work of lawmaking—one of the most important needs of our public life." *Legislative Principles* (Cambridge, 1930), p. 393. Cf. also George S. Blair, "Cumulative Voting: An Effective Electoral Device in Illinois Politics," *Southwestern Social Science Quarterly*, Vol. 34, pp. 3-19, esp. pp. 6-8 (March, 1954).

A TWO-DIMENSIONAL SCHEME FOR CLASSIFYING THE STATES ACCORDING TO DEGREE OF INTER-PARTY COMPETITION

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The student of American politics has displayed an increasing interest in the states as units of analysis. Since the states share a common institutional framework and cultural base, and at the same time differ in respect to economy, politics, and social structure, they provide excellent material for comparative studies. The political scientist has at hand a group of political units in which some of the most elusive variables are held constant. In the comparative study of American state politics, then, there is the promise that hypotheses about politics in general may be formulated and tested.

The first stage of analysis is classification. Since competition between political parties for public office is a basic concept in the study of American politics, the nature and degree of party competition provide important criteria for a classification of the states. It is the purpose of this paper to point up the difficulties involved in formulating a classification of the states according to their party systems and to suggest possible categories of party competition which such a classification might include.

There seems to be general agreement on the criteria for a competitive party system.¹ The fundamental criterion is that in the long run there are at least two parties (and only two if it is to be a two-party system) which are viable means to political office. A neophyte in politics should be able to say to himself, "In my generation in politics I will have a good chance to get into office either as a member of party A or of party B." Since in any immediate sense only one party can hold office, the concept of competition deals with the likelihood of change of control in the future, or in other words it is a long-run concept. Because all of our data deal with the past, however, any such classification is necessarily limited to a description of party competition in a state over a particular time period.

A major difficulty in devising a scheme which will reflect realistically the degree of inter-party competition in the states arises from the fact that the states' electorates do not react uniformly to all political offices. A state which is competitive when voting for president may have a one-party record in voting for governor or senator. The reverse may also be true. Which, if any, of these elections best represents the party configuration within the state?

In one recent attempt to classify the states according to degree of party competition, the electoral results in each state for the offices of president, gov-

¹ See Austin Ranney and Willmoore Kendall, "The American Party Systems," this REVIEW, Vol. 48, pp. 477-85 (June, 1954). Also the statement of conditions requisite for a two-party system in Leslie Lipson, "The Two-Party System in British Politics," this REVIEW, Vol. 47, pp. 337-58 at p. 338 (June, 1953).

ernor, and senator were combined.² The combined results formed the basis for classifying the states as two-party, modified one-party, and one-party. Such an approach, however, glosses over the important differences in the way states vote for each office. By combining the votes for all three offices, any existent differences cancel each other out. The net effect of the scheme was to overestimate the degree of competition to be found in the states. The conclusion was reached that there are as many as 26 of the states which are "two-party."³ In this scheme, Wisconsin, which has given its governorship to a minority party only five times since 1870 (12 per cent of the elections) is equated as "two-party" with Ohio, a state which has given the governorship to the two major parties equally. In respect to the presidency, Ohio has been a much less competitive state, Wisconsin a much more competitive state. That is to say, Ohio voters tended to vote predominantly for the candidates of a single party for the presidency while dividing the vote more equally for the governorship. The reverse is true of Wisconsin. To combine the votes in these states for both offices only distorts the picture of competition existing within the states for any individual office.

One way out of the dilemma caused by discrepancies in the votes for several offices is a classification of the states according to their votes for specific offices, such as governor or president. Such a scheme allows us to determine the extent to which there is a relationship between various offices; it does not prejudge the existence of such a relationship. In fact, the differences in the relationships between offices which occur in the states indicate important characteristics of their political systems. A state which is more competitive for the presidency than for the governorship may have a very different form of political organization from one in which the reverse is true. And presumably neither one should be equated with states which are competitive for both the presidency and the governorship.

A corollary of such a classification is the assumption that parties are organizations for the capture of specific offices rather than highly integrated combinations of men working together for all candidates bearing the same label. It is possible that there are as many organizations operating under the same party label as there are offices to be filled. A realistic picture of inter-party competition in a state, then, can best be achieved by examining competition for a single office. Relationships between organizations for different offices will also be readily discernible. The use of this conception of party organization necessitates a slight modification in the definition of inter-party competition stated above. It should read now: there is a competitive situation for a *specific* office if a man may expect to achieve that office as a member of either party A or party B.

One way of determining the existence of a competitive situation is to examine the division in party control of a particular office over a given time period. The more equal the number of elections won by two parties, presumably the more

² Ranney and Kendall, pp. 482-84.

³ *Ibid.*

competitive the state. This measure of competition we shall call the overall dimension.

There is a second dimension which must be considered in the concept of political competition, and that is the rapidity with which the parties alternate in their control of an office. Perhaps the rate of alternation is even more important in giving the participants a sense of competition than is the overall division of victories. For example, in national presidential politics since 1872 the overall division of victories has given the Republicans 12 elections and the Democrats nine. The two parties are, thus, highly competitive in respect to the overall dimension. But as is immediately apparent, there has been a low rate of alternation between the parties, for there have been periods of as long as 20 years, or an entire political generation, in which either the Republicans or the Democrats have had continuous control of the presidency. Competition has been sporadic. The measure of such periods of one-party control, or the rate of party alternation, we shall call the cyclical dimension.

The following scheme takes into account both of these dimensions for the office of governor: the overall degree of competition between the parties for the office, and the cyclical character of that competition. Both of these characteristics have been plotted on a graph (Figure 1). Along the horizontal axis the overall picture of competition for the period 1870 to 1950 is plotted, i.e., the percentage of victories in gubernatorial elections for the dominant party. (The party with the majority of such victories is considered dominant.) For pur-

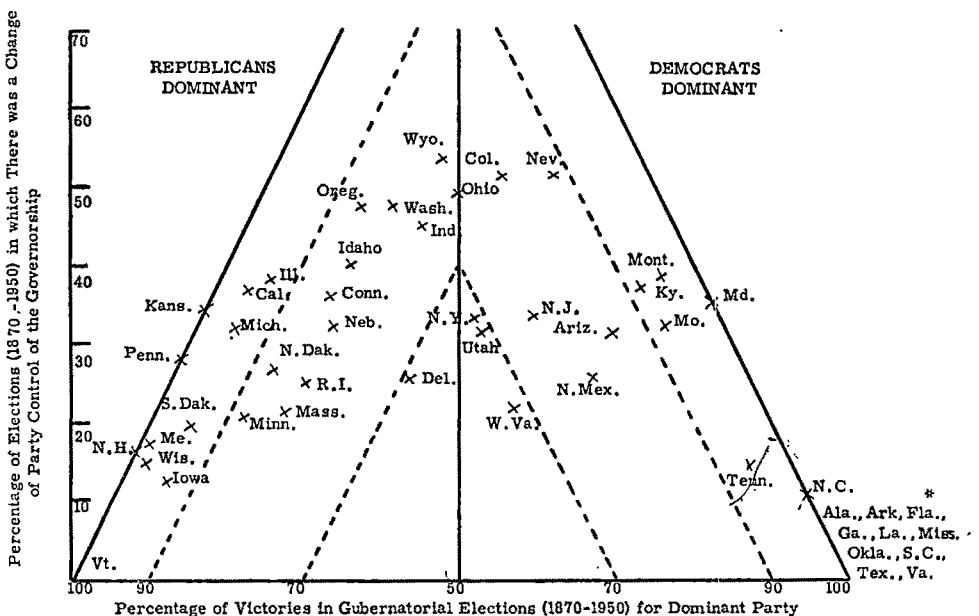


FIGURE 1

* The percentages for the southern states have been computed for the post-Reconstruction period rather than from 1870.

poses of clarity, the states in which the Republicans have been dominant have been separated from the states where the Democrats have dominated, and the two graphs placed next to each other. The horizontal axis, then, shows the extent of dominance of the state by one or the other party.⁴

Along the vertical axis the cyclical dimension has been plotted, i.e., the percentage of elections in the same period in which there was an actual change of party control of the governorship. Thus the higher on the vertical axis a state appears the shorter have been the periods of alternation between the two parties. The heavy lines mark the outer limits of possibility of one-party dominance as the cycles become shorter. Thus the more rapid the rate of alternation, the more competitive the state must necessarily be in terms of the overall dimension. If any state were so competitive that there was a change in party control with each election it would fall at the apex of the diagram, or the point where the two outside lines would intersect (50-50 competition, 100 per cent election changes). States which fall on the line of outer possibility as we move down the diagram are those in which the minority party has never been able to win two gubernatorial elections in a row. This we see is the case in Kansas, Pennsylvania, and New Hampshire on the Republican side, and North Carolina and Maryland⁵ on the Democratic side. The further in a state is from the outer lines, the longer are the cycles of alternation within the state. For example, Delaware and Wyoming are equally competitive in overall terms, but Delaware has experienced much longer periods of one-party control over the governorship.

What is striking is the low rate of alternation generally in all of the states. Even in the most competitive states, such as Ohio, Wyoming, and Colorado, there is a change of party control in only about half of the elections, indicating that a party can control the governorship for an average of two consecutive terms. For the great majority of the states the rate of change is even less. However, a party change in 40 to 50 per cent of the elections is not inconsistent with our notions of an operating two-party system.

A second conclusion evident from the diagram is the preponderance of states in which one party is strongly dominant. Well over half of the states gave the governorship to one party in 70 per cent or more of the elections between 1870 and 1950. In almost half (21) of the states the governorship was in the hands of one party as much as 80 per cent or more of the time.

The major utility of the diagram is that it makes possible the establishment of categories of competition based upon the cyclical as well as the overall dimensions. This may be done by observing the way in which the states group

⁴ A number of different sources were used to gather the data upon which the diagram is based; the *World Almanac and Encyclopedia* (New York, published annually since 1885), George Gallup, *The Political Almanac 1952* (New York, 1952), Council of State Governments, *The Governors of the States 1900-1950* (Chicago, 1948), and *White's Conspectus of American Biography*, 2nd ed. (New York, 1937), provide electoral information for the period covered.

⁵ In Maryland the Republicans gained a second consecutive victory for the first time in 1954 with T. R. McKeldin.

into a number of clusters. The following categories seem to reflect best the varieties of competition found by this method.

1. *Competitive* states are those which fall at the center and upper portion of the diagram. In overall terms the dominant party has won 65 per cent or less of the elections. Of equal importance is the fact that there has been a relatively high degree of alternation between parties for control of the governorship, a change occurring in 40 per cent or more of the elections. These states are Wyoming, Colorado, Nevada, Ohio, Oregon, Washington, Indiana, and Idaho. Connecticut would appear to be part of the same cluster, although her rate of alternation is slightly less than 40 per cent. The marginality of Connecticut is shown by the fact that twice in the period from 1870 to 1950 it experienced periods as long as eight consecutive elections without change of party. Even such a highly competitive state as Colorado has had six consecutive elections without change and Ohio has had seven. Nevertheless, in these states the minority party has continuously provided a serious challenge for the control of the governorship and the periods of one-party dominance have been relatively few and brief. These, then, are the states which conform most closely to the ideal conception of a competitive party system.

2. *The cyclically competitive* states are those which are competitive in respect to the overall dimension, but which have had long periods of domination by a single party. These are to be found at the center and lower portion of the diagram, New York, Utah, Delaware, and West Virginia. The most competitive of these states is New York, which experienced some four cycles of long term one-party control, Democratic from 1882 to 1894, Republican from 1894 to 1910, Democratic from 1922 to 1942, and Republican again from 1942 to 1954. Both parties are recurrently strong in New York, yet the ability of one party to hold the governorship for extended periods distinguishes its political system from the more continuously competitive states found in the first category.

The cycles in Utah, Delaware, and West Virginia are somewhat longer than in New York, and probably reflect a shifting toward one-party dominance rather than a truly competitive system. Delaware had Democratic governors consecutively from 1870 to 1894, and Republican governors from 1900 to 1936. In Utah the party shift was in the opposite direction, with Republican control from 1896 to 1916 and Democratic control from 1924 to 1948. Three cycles characterize West Virginia politics, a Democratic cycle from 1870 to 1896, a Republican cycle from 1896 to 1916, and again a Democratic cycle from 1932 to 1952. The long time span selected enables us to see the major political shifts which make these states sufficiently different from either the competitive or the one-party states to warrant a separate category. The long period of control granted to each party also differentiates the cyclically competitive states from the next category.

3. *The one-party cyclical* states are those in which one party has overall a clear predominance in number of victories, but in which a minority party has been able to win short periods of control, usually as many as two or three consecutive victories. On the Republican side these states are Nebraska, North Da-

kota, Rhode Island, Massachusetts, and Minnesota. Their Democratic counterparts are New Jersey, Arizona, and New Mexico.

Although one party has been predominant, the fact that the minority party has been able to capture office consecutively is evidence of some persistent strength for the minority party. For example, in Massachusetts the Republicans have been clearly predominant in the long run, but throughout the period the Democrats have had moments of success. They won three consecutive elections from 1890 to 1893; they elected five governors consecutively from 1910 to 1914,⁶ and four from 1930 to 1936. Democratic voting strength in the cities and the continuity of Democratic organization in urban areas make it a truly competitive party within the state. The urban trend may even have given to the Democrats a dominant position within the last decade, although the resurgent strength of the Republicans in 1952 and 1954 cautions one against reaching this conclusion. A similar situation exists in Rhode Island, although the Democrats have demonstrated more continuous strength there in later years.⁷ Typologically, the length of the time periods for which the minority party has held office makes these states more competitive than the next category.

4. *The one-party predominant states* are similar to those of the preceding category in terms of the overall dimension of competition. They differ in that the minority parties fail to succeed themselves very often, although they win single victories. On the Republican side these are Illinois, California, Michigan, Kansas, Pennsylvania, South Dakota, Maine, New Hampshire, Wisconsin, and Iowa. On the Democratic side they are Kentucky, Montana, Missouri, Maryland, Tennessee, and North Carolina. In none of these states between 1870 and 1950 was the minority party able to capture the governorship for more than two successive terms, with two exceptions. The Democrats held the governorship for three consecutive terms in Iowa from 1932 to 1936, as did the Republicans in Missouri from 1920 to 1928. Otherwise the minority party has had only brief periods of control. As noted above, the states that fall on the outer line of the diagram have never permitted any successive victory for the minority party.

It is clear that the distinction between the one-party predominant and the one-party cyclical states lies in the position of the minority party. In the former states, the lesser party gives every evidence of being fragmentary and weak in organization. When it wins, it is most likely to be purely by default, due to some sudden vulnerability of the majority party, a major national trend, or a split within the major party. The electorate is not irrevocably wedded to the

⁶ Massachusetts held annual elections for governor until 1917.

⁷ Recent secular trends away from traditional voting behavior in some states will necessarily be obscured in the present scheme. The long time span used in classifying the states will cause the averaging out of such recent developments, so that Rhode Island or Michigan are classed as strongly Republican despite an apparent shift to the Democratic party in the latter years. This is a fault which cannot be eliminated, for any period selected will affect the results. The cyclical dimension introduced in the present scheme does have the advantage of revealing past secular changes; the advantage, however, declines the closer such secular changes are to the 1950 end of the series.

dominant party; a majority of the voters can bring themselves to vote for the opposite party. But the minority organization is so weak that it is unable to follow up its momentary advantage, frequently because of its inability to present attractive and capable candidates.

Such would appear to be the case, for example, in Maine, where Republican predominance is legendary, but where the Democrats have been able repeatedly to win single elections. In 1878 they elected a governor with the support of the then powerful Greenback party after the failure of a single party to win a majority sent the election to the legislature.⁸ In 1879, the final election took place within the legislature. This time, however, a Republican-controlled legislature named a Republican governor. In 1880 the Democrats joined with the Greenbackers again, and were successful. Later the Bull Moose Progressive split within the Republican ranks gave the Democrats victories in 1910 and 1914.⁹ Not until 1932 and 1936, at the depths of the depression, were they able to win again. Their victory in the fall of 1954 has been attributed within the state to internal cleavages in the Republican party, and particularly to dissatisfaction with the incumbent governor.¹⁰

There has been a similar political situation in Kansas. There the Democratic party has enjoyed six victories, in 1882, 1892, 1912, 1922, 1930, and 1936. These have all been single victories and may in most instances be attributed to splits within the Republican ranks caused by such early radical movements as those of the Greenbacks and Populists, and later by the division between the Bull Moose Progressives and the standpatters.¹¹ The Kansas electorate, when provoked, has shown itself willing to vote Democratic, but not for very long. The fact, however, that the electorates of these one-party predominant states do show some willingness to vote for the lesser party makes them typologically different from the one-party states.

5. *The one-party states* need little in the way of definition. Their salient characteristic is the minority party's inability, up to the present, to win the governorship. On the diagram they are to be found at the outer points, the states of the solid South and Vermont. Their internal variations and similarities have been examined elsewhere.¹²

For purposes of comparison, we have used the same scheme for examining the votes for President in the states (Figure 2). Had we used this office as the basis for classifying the states originally, it is evident that we would have had different results. Immediately apparent is the fact that the states have been more competitive, generally, for the presidency than for the governorship, tending to cluster more towards the center of the diagram. But this trend is not

⁸ Fred E. Haynes, *Third Party Movements since the Civil War* (Iowa City, 1916), p. 133.

⁹ Elizabeth Ring, *The Progressive Movement of 1912 and the Third Party Movement of 1924 in Maine*, University of Maine Studies, 2nd series (Orono, 1933), pp. 20-21.

¹⁰ *New York Times*, September 15, 1954.

¹¹ Joseph A. Schlesinger, "The Emergence of Political Leadership, A Case Study of American Governors," unpub. diss. (Yale University, 1954), pp. 151-53.

¹² V. O. Key, Jr., *Southern Politics* (New York, 1949) and Alexander Heard, *A Two-Party South?* (Chapel Hill, 1952).

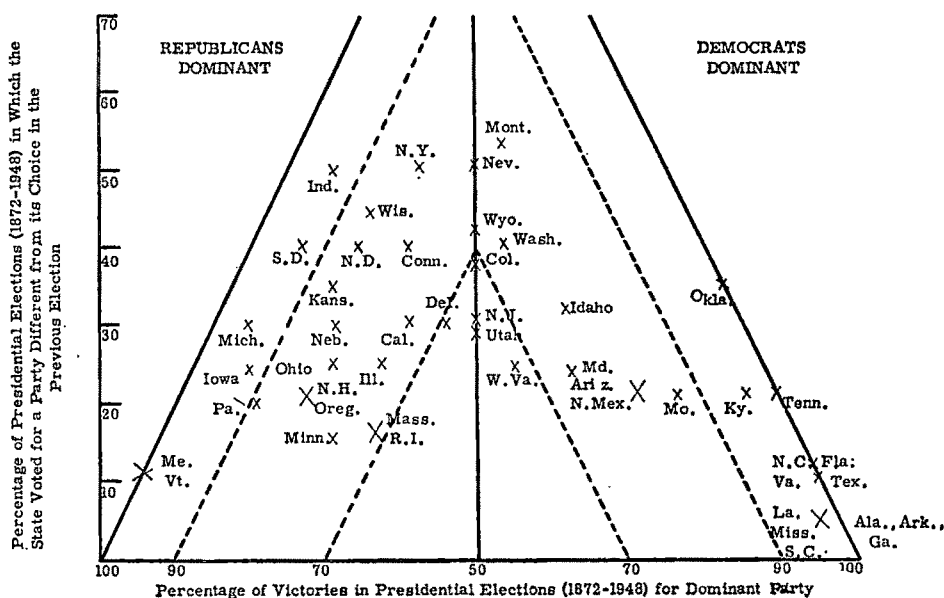


FIGURE 2

universal. For example, Ohio and Indiana, which were exceptionally competitive when voting for governor, are much more Republican in their vote for President. Cyclically, however, the two states do not move together, for Ohio has far longer cycles in its presidential voting than Indiana.

A comparison of the two diagrams tends to confirm our observations about the cyclically competitive states. New York, which did not fall in the competitive category for the governorship because of its relatively low rate of alternation, is highly competitive with respect to the presidency. In this case the length of periods of one-party control over the governorship can probably be attributed more to the personal appeals of a particular series of governors than to deepseated shifts of allegiance among the electorate. On the other hand, the three states with a very low rate of party alternation for the governorship—Delaware, Utah, and West Virginia—reveal also long periods of one-party dominance with respect to the vote for the presidency. In all likelihood a more complete study of their histories would reveal basic realignments in economy and social structure which would have taken place within the modern period.

Again, comparing the two diagrams with respect to the highly competitive states, we find that there are very few instances in which states have been competitive for both the governorship and the presidency. Only Wyoming, Colorado, Nevada, Washington, and Connecticut have been highly competitive on both scores, and Connecticut is a borderline case in both gubernatorial and presidential elections. The Western Mountain States thus appear to have a higher degree of political volatility than is to be found elsewhere. One explanation may be that their relatively brief political histories have not yet seen the

development of traditional voting cleavages which characterize older areas. Settled for the most part after the Civil War, they have not felt the impact of the political divisions deriving from that conflict. Nor has there been any other major cataclysm which has left a permanent imprint upon their politics.

Rapid fluctuation in party control of political office, as seen in the Mountain States, however, does not necessarily imply the existence of a strong two-party system, at least in the classical sense. We would be sorely disappointed if we expected to find in these states two highly organized parties, well disciplined, vying for the majority vote. In fact the opposite frequently appears to be the case. In Nevada, Democratic Senator Pat McCarran's active support of the Republican candidate for the Senate, George W. Malone, was indicative of the personal rather than the party character of the state's politics.¹³ In Montana, a man such as Burton K. Wheeler could construct for himself machines within both the Democratic and the Republican parties.¹⁴ Such personal politics seem to be characteristic of states with small populations scattered over large areas and with mining economies which tend to create social and economic tensions.

The two-dimensional typology described in this paper is not meant as a final classification of the states' party systems. Much more intensive analysis of electoral behavior, particularly in primary elections, is needed in order to reveal the variety of political organizations that exist in the United States. Comparisons of voting behavior for additional offices would also reveal other significant factors. It is hoped, however, that the scheme presented here at least suggests the lines which a complete classification of the states' party systems might follow.

¹³ See A. J. Liebling's article, "Out Among the Lamisters," *New Yorker*, March 27, 1954, pp. 63-75, for discussion of McCarran's position within the Democratic party in Nevada and the support he gave to Malone in 1952.

¹⁴ Joseph K. Howard, "Decline and Fall of Burton K. Wheeler," *Harper's Magazine*, Vol. 194, p. 228 (March, 1947).

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BIBLIOGRAPHICAL ARTICLE

A SURVEY OF SELECTED LITERATURE ON THE GOVERNMENT AND POLITICS OF BRITISH WEST AFRICA

In contemplating the problems of government and political development in contemporary Africa one is struck by the very unique position of the territories of British West Africa: the Gambia, Sierra Leone, Gold Coast, and Nigeria. Here we find situations not dissimilar to those found in Libya and Sudan—but very much unlike the rest of Africa—wherein new African states are emerging under exclusively African leadership. This is in a large measure explained by such special factors as earlier and more intensive contact with the West, the absence of politically conscious white settlers, and—because they are British territories—the legitimacy of African self-government as an operative ideal. This has meant that despite the fact that these territories are noncontiguous the peoples involved not only share a colonial and historical experience, but today they also confront a range of fairly common political problems. This in turn has meant the existence of a considerable body of common literature, including particularly current and continuing sources.

Many of the general works on British Africa discussed in the "Survey of Background Material for the Study of the Government of East Africa," by Roland Young and J. Gus Liebenow, Jr., which appeared in this REVIEW, Vol. 48, pp. 187–203 (March, 1954) are also applicable to the study of political developments in British West Africa. Despite the great diversity characteristic of British territories south of the Sahara—a diversity preserved and strengthened by British policy—there has been a tendency in many fields, such as education or "native administration," to approach problems on a continent-wide basis. Nevertheless there is a "Great Divide" separating the political problems of the West African territories from those of the rest of British tropical Africa. In East and Central Africa, these problems involve the refinement of techniques of what is still very much "colonial" administration, or they focus upon experiments with novel formulae for representation in multiracial societies. In British West Africa the relevant political problems are increasingly noncolonial in character. They include the construction of electoral machinery for systems of universal suffrage; representation in majoritarian parliamentary institutions; the development of political party systems assuming as an ideal a strong majority party with a responsible opposition; the development of a public service in which recruitment is local, open, and based upon merit; and the territorial distribution of power between local government units, regional groupings, and central government in what are intended to be modern democratic states.

I. BIBLIOGRAPHIES

West Africa is not yet sufficiently well-established as an area to command extensive bibliographical coverage. A fairly complete listing of available bibliog-

raphies will be found in *A Bibliography of African Bibliographies* (Cape-town, 1948), which has both a territorial and a subject system of classification. A useful supplement to this is the selected annotated reading list edited by Margery Perham, entitled *Colonial Government* (London, 1950), which is Colonial Reading List No. 1 of Nuffield College. In her introduction, Miss Perham gives a short but illuminating account of the status and availability of source material on the subject. The fifth in the Nuffield College series, edited by C. K. Meek, is *Colonial Law* (London, 1948), particularly helpful not only because of attention given to traditional legal systems but also because of the inclusion of important journal articles. For the earlier period the most exhaustive bibliography is contained in Volume I of Evans Lewin, *Subject Catalogue of the Library of the Royal Empire Society* (London, 1930).

At the territorial level there are relatively few bibliographical compilations. Arthur N. Cook's *British Enterprise in Nigeria* (Philadelphia, 1943) and Margery Perham's *Native Administration in Nigeria* (London, 1937) contain useful bibliographies covering political developments up to the date of their publication. More recent sources are *The Nigeria Handbook* (Lagos, 1953), pp. 272-88, and *Nigerian Publications, 1950-1953* (Ibadan, 1953). For the Gold Coast there is A. W. Cardinall, *Bibliography of the Gold Coast* (Accra, 1932), issued as a companion volume to the census report of 1931. Recent short bibliographies are found in F. M. Bourret, *The Gold Coast*, 2nd ed. (London, 1952), and in David Apter, *The Gold Coast in Transition* (Princeton, 1955). The only published bibliography on Sierra Leone is Sir H. C. Luke's *A Bibliography of Sierra Leone*, 2nd ed. (London, 1925). A shorter and more recent reading list is contained in Roy Lewis, *Sierra Leone* (London, 1954).

There are several excellent journals which serve as continuing sources of current bibliography on various aspects of government and politics in West Africa. Foremost among these is the quarterly "Bibliography of Current Publications" contained in *Africa*, the very useful journal of the International African Institute. Another important source of selected bibliography is *African Affairs*, the quarterly journal of the Royal African Society. One of the most fruitful sources of continuing information is *The Colonial Review*, published by the University of London Institute of Education, particularly its "Notes on Articles, Book Notices, and Studies and Reports Received." The quarterly Belgian review, *Zaire*, carries an extensive current bibliography, useful for comparative purposes, under the heading *Sciences Politiques, Administratives et Sociales-Droit*. The most exhaustive recent listing of continuing sources of current information is *Research and Information on Africa* (Washington, 1954), compiled by the Reference Department of the Library of Congress. A more specialized *Bibliography of Periodical Government Publications of Selected African Countries and Territories* has been prepared by the staff of the African Research and Studies Program at Boston University and is currently available in mimeographed form. A valuable supplement to this is the mimeographed *Monthly List of Official Colonial Publications* prepared by and obtainable from the staff of the Colonial Office Library in the United Kingdom.

The *Bulletin analytique de documentation politique, économique, et sociale* (Paris) is a very useful continuing source for specialized English-language publications as well as for articles in foreign periodicals.

II. GENERAL BACKGROUND MATERIAL

Many of the problems of government and political development in West Africa are inexplicable without some knowledge of the general setting or context, including especially certain basic aspects of the geographical, demographic, and historical background. The physical environment has been of decisive significance in determining the scale of traditional social and political organization, in limiting and frustrating pre-colonial efforts at state-building, and in sharpening the cultural—and latterly political—cleavages on a horizontal plane that stretch the whole length of the Guinea Coast. Some of these important geographical determinants are discussed in a stimulating chapter on Africa in Derwent Whittlesey's study in political geography, *The Earth and the State* (New York, 1944). Two more recent works devoted in part to the political geography of West Africa are L. Dudley Stamp, *Africa: A Study in Tropical Development* (New York, 1953), and R. J. Harrison-Church, *Modern Colonization* (London, 1951). The problems of political development arising from arbitrary imperial boundaries are examined in a small pamphlet by E. A. Boateng entitled *Tomorrow's Map of West Africa* (London, 1952). At the territorial level are the following: H. R. Jarrett, *A Geography of Sierra Leone and Gambia* (London, 1954); D. T. Adams, *A Gold Coast Geography* (London, 1941); and C. T. Quinn-Young and T. Herdman, *Geography of Nigeria*, 2nd ed. (London, 1949). The political implications of certain aspects of Nigeria's geography are critically appraised in two admirable articles by Professor Keith Buchanan: "The Northern Region of Nigeria: The Geographical Background of Its Political Duality," *The Geographical Review*, Vol. 43, pp. 451-73 (Oct., 1953); and "An Outline of the Geography of the Western Region of Nigeria," *Malayan Journal of Tropical Geography*, pp. 9-24 (Oct., 1953).

Knowledge of the racial, tribal, and religious composition and distribution of the populations of the West African territories is essential for a sound understanding of the nature and potentialities of separatist movements and other problems of political integration. A helpful annotated bibliography is *Population Censuses and Other Official Demographic Statistics of British Africa*, prepared by H. J. Dubester (Washington, Department of Commerce, Bureau of Census, 1950). *A Demographic Survey of the British Colonial Empire: Vol. I, West Africa* (London, 1948), by the late R. R. Kuczynski, is the principal general reference source. The latest census of the Gold Coast was completed in 1948, that of Sierra Leone in 1953, and that of Nigeria in 1954. All have been published and are obtainable from the Government Printer in each of the three territories.

The historical setting is of crucial significance in the study and analysis of the West African political situation; yet there are few historical works that can

be commended as tolerably objective or comprehensive. Such historical literature as there is can be roughly related to three historical phases: (a) the pre-contact or pre-colonial period, (b) the period of early contact and imperial acquisition, and (c) the colonial period.

Pre-contact—the Disputed Era. There are sharply divergent views on the nature and level of development of African culture and political institutions in the pre-colonial period. In part these differences are the result of the relative paucity of written historical evidence (European or African) for that period. They are also the direct product of the highly significant political implications the issue has acquired. The contemporary political relevance of African pre-history has been very critically examined by Dr. K. Onwuka Dike, one of Nigeria's leading historians, in an illuminating series of articles entitled "African History and Self-Government," which appeared in the weekly journal *West Africa* during February and March, 1953. The core of this "Great Debate" involves the legitimacy of African claims to self-government. Africans understandably reject the proposition they feel has been advanced by ethnocentric Europeans, and used by imperial governments, that "no African history = African incapacity for self-government." On the other hand some Europeans are understandably concerned over the degree of license objective archaeology and historiography will grant African nationalism in its reconstruction and glorification of the African past.

Several works concerned with Africa's past are clearly tendentious efforts made by Africans or American Negroes to correct prejudiced European interpretations and to inculcate racial pride and self-confidence. Examples of such works include Carter Woodson's *The African Background Outlined* (New York, 1868); W. E. B. DuBois' *The World and Africa* (New York, 1947); Raymond Michelet, *African Empires and Civilisation* (Manchester, Eng., 1945); R. E. G. Armattee's *The Golden Age of West African Civilization* (Londonderry, 1946); and, most recently, Amanke Okafor's "West African Background: An Outline," in Basil Davidson and Adenekan Ademola (eds.), *The New West Africa* (London, 1953) and J. C. de Graft-Johnson's *African Glory: The Story of Vanished Negro Civilisations* (London, 1954).

In another category are the serious contributions made by African authors which appear in such literary outlets as the *Transactions* of the Historical Society for the Gold Coast and Togoland; the quarterly *Africana*, published by the West African Society in the United Kingdom; *Sierra Leone Studies*, edited by J. D. Hargreaves and published twice yearly by Fourah Bay College, Freetown; and *Odù: Journal of Yoruba and Related Studies* (Ibadan). There is also an increasing number of tribal histories being written by Africans. Some of these are slanted, others quite objective, but all are important. They include such works as J. U. Egharevba's *A Short History of Benin* (Lagos, 1963); Samuel Johnson's monumental *The History of the Yorubas* (Lagos, 1937); J. Sylvanus Wartemberg's *São Jorge d'El Mina* (Ilfracombe, 1951); H. Kwakume's *Précis d'histoire du peuple Ewe* (Lome, 1948); Nii Kwabena Bonne III's *Milestones in*

the History of the Gold Coast (London, 1953); and Dr. Saburi Biobaku's scholarly article, "An Historical Sketch of Egba Traditional Authorities," *Africa*, Vol. 22, pp. 35-49 (Jan., 1952).

In still another category are the historical studies by visitors and foreign scholars. The several ethnographic studies which have been produced by western scholarship during the past fifty years, some of which will be noted subsequently, have normally included a sketch of the history of the cultural group concerned. The literature on the medieval kingdoms of the Western Sudan provides considerable insight into the processes of state formation in pre-European West Africa. E. W. Bovill's *Caravans of the Old Sahara* (London, 1933) is still the most comprehensive work in this field. The observations of Ibn Battuta during his visit to the Western Sudan in 1352 appear in H. A. R. Gibb (translator), *Ibn Battuta: Travels in Asia and Africa* (London, 1953). The most illuminating contributions regarding this period are those of Professor Raymond Mauny of the *Institut Français d'Afrique Noire*, which have the merit of being based on recent archaeological field work in the Western Sudan. A recent article entitled "The Question of Ghana," *Africa*, Vol. 24, pp. 211-12 (July, 1954), is particularly instructive; moreover, it contains a fairly complete bibliography. Another recent work, somewhat broader in scope and based primarily upon an extensive accumulation and classification of documents, is Professor Dietrich Westermann's *Geschichte Afrikas: Staatenbildungen südlich der Sahara* (Köln, 1952). The best brief sketch of early state formation in precolonial West Africa is Daryll Forde's "The Cultural Map of West Africa: Successive Adaptations to Tropical Forests and Grasslands," *Transactions of the New York Academy of Sciences*, Vol. 15, pp. 206-18 (April, 1953).

The European Intrusion. Although the literature on early explorations and contacts on the West Coast is not inconsiderable, there are tremendous gaps. Both European archives and local records in Africa remain largely unexploited. The latter, with certain exceptions, are rapidly deteriorating or becoming lost, according to Dr. K. Onwuka Dike in his recent *Report on the Preservation and Administration of Historical Records and the Establishment of a Public Records Office in Nigeria* (Lagos, 1954). His appointment as Supervisor of Public Records, like the designation of Mr. C. H. Fyfe as Government Archivist in Sierra Leone, reflects recent official efforts to preserve what remains of written historical evidence regarding the early contact period. Our knowledge of this period will be considerably enhanced with the publication of Dr. Dike's *Trade and Politics in the Niger Delta* (unpublished doctoral thesis, University of London, 1950, now in press), and Mr. Fyfe's exhaustive study of the history of Sierra Leone.

The accounts of early explorers are covered briefly and, for most purposes, adequately in Margery Perham and J. Simmons, *African Discovery* (London, 1943), and C. Howard (ed.), *West African Explorers* (London, 1952). The delightful and penetrating observations of Mary Kingsley, the intrepid woman explorer, appear in her famous *West African Studies* (London, 1899) and *Travels*

in *West Africa* (London, 1900). Other useful works covering the early contact phase for West Africa in general include: E. C. Martin, *British West African Settlements, 1750-1821* (London, 1927); Hakluyt Society, *Europeans in West Africa, 1450-1560* (London, 1944); J. W. Blake's *European Beginnings in West Africa, 1454-1578* (London, 1937), and L. G. Green, *White Man's Grave: The Story of the West African Coast* (London, 1954). For Nigeria in particular, there are the following: Lady Lugard, *A Tropical Dependency* (London, 1905); Volume 1 of P. A. Talbot, *The Peoples of Southern Nigeria*, 4 vols. (London, 1926); C. K. Meek, *The Northern Tribes of Nigeria*, 2 vols. (London, 1925); Dorothy Wellesley, *Sir George Goldie, Founder of Nigeria* (London, 1934). For the Gold Coast, the early contact period is covered by Carl Christian Reindorf's *The History of the Gold Coast and Asante*, 2nd ed. (Basal, 1953); Sir William Brandford Griffith's *The Far Horizon* (Ilfracombe, 1951); W. E. F. Ward, *A History of the Gold Coast* (London, 1948). For Sierra Leone, there are Averil Mackenzie-Grieve, *The Great Accomplishment* (London, 1953), and Captain F. W. Butt-Thompson, *The First Generation of Sierra Leonians* (Freetown, 1952); for the Gambia, Lady Southorn's *The Gambia* (London, 1952) and J. M. Gray, *A History of the Gambia* (Cambridge, 1940). There falls in a somewhat different category a useful work describing the international machinations that finalized the "European intrusion": S. E. Crowe's *The Berlin West African Conference, 1884-1885* (London, 1942). The most recent short history of this early period is J. D. Fage, *An Introduction to the History of West Africa* (Cambridge, 1955).

The Colonial Period—the Nonage. We are limited in our knowledge not only of African prehistory, but also of the colonial period itself. In this latter case, however, the difficulty is not ignorance or neglect, but rather the fact that most historical literature is heavily colored in one way or another by the preconceptions of writers regarding the legitimacy or the virtue of the colonial relationship. As a consequence existing historical studies give us not integrated perspectives, but narrow one-dimensional interpretations tending either to justify or to condemn the historical situation. Indeed, it is quite striking that three of the more useful historical studies covering the West African colonial period were written by non-British scholars, two of whom had never visited Africa. Reference is made here to the chapters on Sierra Leone, the Gold Coast, and Nigeria in Volume 1 of Raymond Leslie Buell's masterful and comprehensive *The Native Problem in Africa* (New York, 1928), F. M. Bourret's *The Gold Coast*, 2nd ed. (Stanford, 1952), and A. N. Cook's *British Enterprise in Nigeria* (Philadelphia, 1943). Each of these contributions has the added virtue of including fairly complete bibliographies.

With allowance for limitations, a few territorial histories of a general nature covering the colonial period should be noted. For Nigeria there is C. R. Niven's *A Short History of Nigeria* (London, 1949), and Sir Alan Burns' *History of Nigeria*, 4th ed. (London, 1951). Both are lamentably inadequate as histories, and both have a strong official flavor: Mr. Niven, a former provincial Resident, is now President of the Northern House of Assembly; and Sir Alan, permanent

United Kingdom delegate to the United Nations Trusteeship Council, was formerly Chief Secretary and Governor of Nigeria. Indeed, Sir Alan's autobiography, entitled *Colonial Civil Servant* (London, 1949), provides a very interesting insight into both his own personality and outlook and the many problems of a colonial governor. A far more critical work, containing a wealth of information not otherwise obtainable, but unfortunately limited to the early phase of the colonial period, is Sir William Geary's *Nigeria under British Rule* (London, 1927). Another critical appraisal written by a former Nigerian official is W. R. Crocker's *Nigeria: A Critique of British Colonial Administration* (London, 1936). In general, however, Nigeria lacks an up-to-date and balanced account of its history.

With the qualified exception of F. M. Bourret's *The Gold Coast*, which has become the standard history, the same observation holds true for Nigeria's smaller neighbor, although two prewar accounts may be noted: P. Redmayne's *The Gold Coast Yesterday and Today* (London, 1938), and J. Eyre Smith's *A Brief Review of the History and Social Organization of the Peoples of the Gold Coast* (Accra, 1938). For Sierra Leone, there is nothing in print which even attempts to cover recent history. The standard work, J. J. Crook's *History of Sierra Leone*, ends at the turn of the century; and the only supplement is a schoolboy's history by F. A. J. Utting, *The Story of Sierra Leone* (London, 1931). The Gambia is only slightly better off with Lady Southorn's *The Gambia*, previously cited.

In addition to the historical accounts, there are various sources from which more general background data are obtainable. Lord Hailey's monumental *An African Survey* (London, 1938) is still the most comprehensive work on sub-Saharan Africa. A veritable mine of information on the prewar period, this study is now lamentably out-of-date in most respects, although fortunately it is being revised. Not the least of the *Survey's* shortcomings are its official slant and its avoidance of anything smacking of political dynamics or criticism of colonial governments. In this respect, Buell's *The Native Problem in Africa* is an indispensable supplement.

At the official level, there are several helpful summaries, obtainable from the efficient and obliging British Information Service. The annual report of the Secretary of State for the Colonies to Parliament entitled *The Colonial Territories*, issued each year as a command paper, provides a brief summary of developments in all fields. The Colonial Office has also published a short background pamphlet, *Introducing West Africa*, rev. ed. (London, 1953). Finally, there are the *Colonial Reports* published annually by the Colonial Office for each of the territories. These are detailed factual surveys of developments during the year under review. The Nigerian government has recently published *The Nigeria Handbook* (Lagos, 1953), a somewhat more elaborate compilation of basic background data, including a series of very useful maps. Another territorial survey, somewhat more attractive and personalized, is Roy Lewis' *Sierra Leone: A Modern Portrait* (London, 1954).

In a less official vein, F. J. Pedler's *West Africa* (London, 1951) is a competent descriptive account of selected aspects of the West African scene. An earlier

but still useful study is Professor William Bascom's "West and Central Africa," in Ralph Linton (ed.), *Most of the World* (New York, 1949). In another category are six recent and forthcoming works by persons less well-grounded in the West African cultural background who have recorded observations made during recent brief trips to the area. Elspeth Huxley's *Four Guineas* (London, 1954) is a set of West Coast impressions by the well-known author from Kenya. They reflect her settler outlook, her penchant for dwelling on the sordid and bizarre, and the fact that her contacts were primarily official. At the opposite extreme is Richard Wright's *Black Power* (New York, 1954), a record of observations during his recent tour of the Gold Coast which ends with an admonition to Africans to seek transformation through authoritarianism. Other current impressionistic accounts by less biased observers include Vernon Bartlett's *Struggle for Africa*, rev. ed. (New York, 1954), Alexander Campbell's *The Heart of Africa* (New York, 1954), and Oden Meeker's *Report on Africa* (New York, 1954). Each of these has sections devoted to West African political developments which are balanced and reasonable accounts, although brief and spotty. Of the three, Meeker's work is the most useful. The most recent journalistic appraisal of the West African scene is that of John Gunther in his *Inside Africa* (New York, 1955). Although his observations are fair and his descriptions interesting, the few chapters devoted to West Africa are far too brief and superficial to have any significant value for the serious student of African political problems.

III. TRADITIONAL AFRICAN POLITICAL SYSTEMS

In view of the very considerable modern political development which has occurred in West Africa, it could be argued that at this stage scant attention need be given by political scientists to traditional systems of government. In French areas such might be the case, but in the territories of British West Africa a knowledge of indigenous political structures is very relevant for a comprehension of current problems. Except for such artificial urban centers as Freetown, Sierra Leone, or Port Harcourt, Nigeria, varying forms of "indirect rule" (i. e., imperial rule through traditional authorities) have characterized British policy since the establishment of formal political control. Furthermore, democratization and modernization of the traditional structures have been among the major preoccupations of British officialdom in the postwar period. Moreover, in contemporary West Africa some of the most crucial political and constitutional issues, such as tribal separatism and the role of chiefs, directly involve the traditional system.

Published studies on the indigenous forms of government in West Africa are of varying quality and usefulness. A few works—for example, Professor Kofi A. Busia's *The Position of the Chief in the Modern Political System of Ashanti* (London, 1951)—are focused specifically upon political structures, as distinguished from other aspects of traditional culture. Most of the literature, however, consists of ethnographic studies made by anthropologists—professional and amateur—in which tribal cultures are approached as integrated and going concerns.

This total cultural orientation is perhaps fortunate in view of the interrelatedness of cultural attributes and the difficulty—if not the danger—of attempting to abstract the purely “political” aspects in terms of our Western categories or modes of analysis.

The introduction to *African Political Systems* (London, 1940) by its editors, Professors Meyer Fortes and E. E. Evans-Pritchard, provides a splendid starting point and conceptual framework for the study of the traditional structures. Paula Brown’s “Patterns of Authority in West Africa” in *Africa*, Vol. 21, pp. 261–78 (Oct., 1951), is a very informative essay. Though less scientific and more official, the most useful recent summary of traditional systems as remodeled by the British authorities is Part 3 (West Africa) of Lord Hailey’s *Native Administration in the British African Territories*, 4 vols. (London, 1950–51). Of reasonably available published works on specific cultural groups or areas, those discussed below are among the most useful for the political scientist.

Nigeria. Following the 1921 census, the first general ethnographic survey of Nigerian tribal groupings appeared in P. A. Talbot, *The Peoples of Southern Nigeria*, 4 vols. (London, 1930). For the Yoruba peoples of the Western Region, the most recent survey is Professor Daryll Forde’s *The Yoruba-Speaking Peoples of South-Western Nigeria* (London, 1951). This short and highly condensed summary contains an exhaustive 18-page bibliography dealing with African literature, and is one of the better of the series of separate, self-contained studies forming part of the long awaited Ethnographic Survey of Africa sponsored by the International African Institute (referred to hereafter as the Ethnographic Survey). A similar volume on the Edo-speaking (Bini) peoples of the Western Region is now in preparation. In the Eastern Region the Ibo peoples have been the subject of several studies, the most relevant of which are C. K. Meek, *Law and Authority in a Nigerian Tribe* (London, 1937); M. M. Green, *Ibo Village Affairs* (London, 1948), which advances some intriguing psycho-cultural propositions; and Daryll Forde and G. I. Jones, *The Ibo and Ibo-Speaking Peoples of Southeastern Nigeria* (London, 1950), which forms Part 3 of the Ethnographic Survey. A valuable supplement to the latter is Simon Ottenberg, “Supplementary Bibliography on the Ibo-Speaking Peoples of Southeastern Nigeria,” *African Studies*, Vol. 14, pp. 63–85 (No. 2, 1955).

We know somewhat less about the over sixteen million peoples of the vast Northern Region of Nigeria. Older and not very systematic, but still helpful, descriptions include Sir Richard Palmer’s *The Bornu Sahara and Sudan* (London, 1936), for the Kanuri peoples; C. K. Meek’s *A Sudanese Kingdom* (London, 1931), and *Tribal Studies in Northern Nigeria*, 2 vols. (London, 1931), for the Jukun and other selected minor groups; and S. J. Hogben’s *The Muhammadan Emirates of Nigeria* (London, 1930), which is largely historical in character. More recent specialist studies are two new additions to the Ethnographic Survey: H. D. Gunn’s *Peoples of the Plateau Area of Northern Nigeria* (London, 1953) and Paul and Laura Bohannan’s *The Tiv of Central Nigeria* (London, 1953). The latter is exceptionally good on Tiv political structure. A most illu-

minating study of the impact of Islam on the Hausa peoples of Kano Emirate is set forth in Joseph Greenberg's *The Influence of Islam on a Sudanese Religion* (New York, 1946). Perhaps the most comprehensive—and for the political scientist the most rewarding—study of any Northern Nigerian cultural group is S. F. Nadel's *A Black Byzantium* (London, 1942) on the Nupe people. The most readable general survey of the political history and structure of selected Nigerian groups is Margery Perham's *Native Administration in Nigeria* (London, 1938). Background material useful for an understanding of traditional legal systems is contained in two recent works by the Nigerian scholar, T. O. Elias: *Nigerian Land Law and Custom*, 2nd ed. (London, 1953) and *The Nature of African Customary Law* (Manchester, 1955) as well as a recent survey by J. N. D. Anderson entitled *Islamic Law in Africa* (London, H.M.S.O., 1954).

Gold Coast. Thus far three parts of the Ethnographic Survey dealing with the peoples of the Gold Coast have been published. By the same author, Madeline Manoukian, they are *Akan and Ga-Adangme Peoples of the Gold Coast* (London, 1950), *The Ewe-Speaking People of Togoland and the Gold Coast* (London, 1952), and *Tribes of the Northern Territories of the Gold Coast* (London, 1952). Like the other parts of the series, these provide helpful summaries of existing knowledge as well as bibliographies, but they do not supersede many of the older works. For the Northern Territories, these earlier studies include Captain R. S. Rattray's *The Tribes of the Ashanti Hinterland*, 2 vols. (London, 1932) and A. W. Cardinall's *The Natives of the Northern Territories of the Gold Coast* (London, 1925). In a more technical and detailed vein are Professor Meyer Fortes' *The Dynamics of Clanship among the Tallensi* (London, 1945) and *The Web of Kinship among the Tallensi* (London, 1949). Another special study having a definite political orientation is Duncan Johnstone's *Enquiry into the Constitution and Organisation of the Dagbon Kingdom* (Accra, 1952).

The major work on the Ashanti is R. S. Rattray's *Ashanti Law and Constitution* (London, 1929), still a minor classic. The previously cited study by Professor Busia on Ashanti chieftaincy serves to correct and bring Rattray up to date. Other recent studies on the political aspects of Ashanti society include Eva L. R. Meyerowitz's, *The Sacred State of Akan* (London, 1951); S. N. Matson's *A Digest of the Minutes of the Ashanti Confederacy Council and Warrington's Notes on Ashanti Custom* (Cape Coast, 1951); M. J. Field's *Akim-Kotoku: an "Oman" of the Gold Coast* (London, 1948); as well as the several studies by the *doyen* of Gold Coast scholarship, Dr. J. B. Danquah, including particularly his *Akan Laws and Customs and the Akim Abuakwa Constitution* (London, 1928). An interesting comparative study on the Ashanti is contained in E. A. Hoebel's *The Law of Primitive Man* (Cambridge, 1954).

Sierra Leone. The second part of the Ethnographic Survey by M. McCulloch and Daryll Forde, entitled *The Peoples of the Sierra Leone Protectorate* (London, 1950), summarizes most available ethnographic data on the peoples of this area, including the wealth of information on the several tribal groups published irregularly in the prewar series of *Sierra Leone Studies*. Professor Kenneth Little's *The Mende of Sierra Leone* (London, 1952) is the most recent and com-

prehensive modern study of any of these cultures, and includes an interesting analysis of the Mende chieftaincy system. A new edition of J. S. Fenton's *Outline of Native Law in Sierra Leone* (Freetown, 1952) serves as a general reference work. A series of short articles in *West Africa* (commencing with the March 22, 1952 issue) by E. M. Richardson and G. C. Collins entitled "The Rural Creoles of the Colony" are informative on the historical and sociological background of this interesting group not otherwise covered in existing literature.

Some of the more significant changes that have occurred in the traditional systems as a consequence of the Western impact and the colonial experience are described in the studies cited above. Other studies are specifically focused upon the processes of acculturation. Two of the more general works of this nature are W. M. Macmillan's *Africa Emergent*, rev. ed. (Penguin Books, 1949), and C. K. Meek *et al.*, *Europe and West Africa* (London, 1940). A masterful summary, unexcelled as an introductory piece, is Professor Daryll Forde's short essay, "The Conditions of Social Development in West Africa," *Civilisations*, Vol. 3, pp. 471-85 (No. 4, 1953). In addition to these descriptive surveys, three works of a theoretical nature provide a framework for the study of these changes. One is Bronislaw Malinowski's *The Dynamics of Culture Change* (New York, 1945), which is specifically focused upon acculturation in Africa. Another is a short volume by Godfrey and Monica Wilson, *The Analysis of Social Change* (Cambridge, 1945). A third study, David Apter's *The Gold Coast in Transition* (Princeton, 1955), is a highly suggestive partial application of structural-functional analysis to changes in political institutions in the Gold Coast.

IV. MODERN POLITICAL DEVELOPMENTS

1. *Nationalism and the New African Leadership.* Political power in the emergent West African states is rapidly passing into the hands of the new nationalist-minded African elites. A knowledge of the character of these elites, their social background, and the type of movements they lead, is essential to a full understanding of the political developments in the area. Although organized nationalist movements are a relatively recent phenomenon, expressions of nationalism, in the sense of a desire for self-government and freedom from alien rule, have a rather long history. The writings of the scholar-statesman, the late Dr. Edward W. Blyden, especially his *Christianity, Islam, and the Negro Race* (London, 1888), are among the first. Another important early figure with a literary bent was the late Joseph Casely Hayford, the author of several polemical works. A selection of his public speeches has been compiled by Magnus J. Sampson and published under the title *West African Leadership* (Ilfacombe, 1951). The thoughts and aspirations of the first generation of West African university students in the United Kingdom find expression in I. W. de Graft-Johnson's *Towards Nationhood in West Africa* (London, 1928). The beginnings of militant nationalist thought are marked by the publication of Dr. Nnamdi Azikiwe's *Renascent Africa* (Lagos, 1937), which became what one of his dis-

ciples has called "the Bible of West African Youth." During and after the Second World War several nationalist works appeared, prominent among which were the writings of West Africans studying in the United States: Mazi Mbono Ojike's *My Africa*, 2nd ed. (New York, 1955); K. Ozuombe Mbadiwe's *British and Axis Aims in Africa* (New York, 1943); A. A. Nwafor Orizu, *Without Bitterness* (New York, 1944). Perhaps the most penetrating, mature, and objective book written by an African nationalist is Obafemi Awolowo's *Path to Nigerian Freedom* (London, 1947). The author is now a Yoruba chief and Premier of the Western Region of Nigeria.

The history of nationalism on the West Coast is briefly traced by George Padmore in his *Africa: Britain's Third Empire* (London, 1949). A more intensive study of the development of a nationalist movement is contained in his *The Gold Coast Revolution* (London, 1953). These two books, like Padmore's other writings, are highly polemical and very representative of nationalist mentality. An appraisal of West Coast nationalism by a former colonial officer appears in W. R. Crocker, *Self-Government for the Colonies* (London, 1949). Other detailed and recent accounts are Thomas Hodgkin's essay "Towards Self-Government in British West Africa," in Basil Davidson and Adenekan Ademola (eds.), *The New West Africa* (London, 1953), and Marjorie Nicholson's *West African Ferment* (London, 1950). The Communist influence upon nationalism during the interwar period is reflected in Nancy Cunard (ed.), *Negro Anthology* (London, 1936), and more recently, in Amanke Okafor's *Nigeria, Why We Fight for Freedom* (London, 1950). The poetic expression of nationalist sentiment is recorded in D. C. Osadebay's *Africa Sings* (Ilfracombe, 1952). A recent example of the "colonial hangover" characteristic of nationalism among West African students away from home is a small book by Nana Ya Twum Duah Agyeman, *West Africa on the March* (New York, 1952). For an analytical study of African nationalism see my article, "Nationalism in Tropical Africa," this REVIEW, Vol. 48, pp. 404-26 (June, 1954).

2. *Postwar Developments at the Local Level.* Since the end of the Second World War the peoples and officials of British West Africa have been deeply involved in a continuous process of constitutional change. This dynamic situation has been the product of an interaction between insatiable nationalist forces and responsive British officials pursuing a policy of imperial retreat. The nationalists have compelled the colonial officials to revise drastically their assumptions and aims. The crux of the change in policy has been the abandonment of "native administrations" (remodeled local tribal systems) as the units destined for "self-government" according to the imperial scheme of things, and the acceptance of the artificial "territory" (i.e., Sierra Leone, Gold Coast, Nigeria) as the ultimate self-governing unit. The focus of published literature reflects this revolution in political assumptions and objectives. Prior to 1948 the unit of political relevance and the focus of most official publications was the "native authority," whereas since 1948 the latter has been relegated to the status of a "local government" unit within the emerging territorial political systems, whose problems have increasingly become the subject of inquiry and analysis.

Despite this change certain prewar works are indispensable for general background knowledge. Lord Lugard's *The Dual Mandate in British Tropical Africa* (London, 1923) set the tone and provided the rationale for prewar British policy, though significant departures or revisions were made by Governor Cameron in Nigeria and Governor Guggisberg in the Gold Coast. The chapter on the prescribed role and future of the "educated African" is most illuminating in the light of subsequent developments. Another general work, comparative in its approach and remarkably prescient regarding the role of the "educated African," is Dr. L. P. Mair's *Native Policies in Africa* (London, 1936). For Nigeria, Sir Donald Cameron's *The Principles of Native Administration and their Application* (Lagos, 1934) and *My Tanganyika Service and Some Nigeria* (London, 1939), and especially Margery Perham's *Native Administration in Nigeria*, previously cited, are useful supplements.

Since 1948 "native administration," as noted above, has become known as "local government" and in this field there is considerable published material. The factual survey contained in Part 3 (West Africa) of Lord Hailey's *Native Administration in the British African Territories* records the situation as it existed around 1948. Since then there have been revolutionary changes at the local level by way of democratized local councils as well as the development of new relationships between local units of government and the central machinery of government. These changes are summarized in a highly condensed but extremely useful report by the African Studies Branch of the Colonial Office, "A Survey of the Development of Local Government in the African Territories since 1947," *Journal of African Administration*, Vol. 4, pp. 52-83 (Oct., 1952). They were first instituted in the Eastern Region of Nigeria and spread progressively to the Western and Northern Regions. The basic documents tracing this development are E. J. Gibbons' *African Local Government Reform* (Lagos, 1949); the *Memorandum on Local Government Policy in the Eastern Provinces* (Enugu, 1949); *Local Government in the Western Provinces of Nigeria* (Ibadan, 1951); K. P. Maddocks and D. A. Pott, *Report on Local Government in the Northern Provinces of Nigeria* (Kaduna, 1951), and D. A. Pott, *Progress Report on Local Government in the Northern Region of Nigeria* (Kaduna, 1953). For the Gold Coast the relevant documents include the so-called "Coussey Report" (Colonial No. 248, 1949 [H.M.S.O., London, 1949]); the *Report by the Select Committee on Local Government (Colony)* (Accra, 1951); *Report of the Select Committee of the Legislative Council Appointed to Make Recommendations Concerning Local Government in Ashanti* (Accra, 1951); *A Report of a Committee of the Territorial Council of the Northern Territories Appointed to Make Recommendations Concerning Local Government in the Northern Territories* (Accra, 1951); *The Local Government Ordinance, 1951* (Supplement to the Gold Coast Gazette No. 76, 22 October 1951); and *Report on Local Government Finance* (Accra, 1952). The *Protectorate Handbook* (Freetown, 1954) is indispensable for the study of the structure of local government in the Sierra Leone Protectorate. This should be supplemented by the *Report on the Functions and Finances of District Councils in Sierra Leone* (Freetown, 1953).

Another aspect of development at the local level has concerned the native court system. During the past five years the system as it exists in most areas of the several territories has been under intensive review and the results are now available in a series of official reports. For Nigeria these include *Report of the Native Courts (Northern Provinces) Commission of Enquiry* (Kaduna, 1952); *Report of the Native Courts (Western Provinces) Commission of Inquiry* (Ibadan, 1952); and the *Report of the Native Courts Commissions of Inquiry, 1949 to 1952* (Lagos, 1953). For the Gold Coast, see the *Report of the Commission on Native Courts* (Accra, 1951); and for Sierra Leone, *Report on the Native Court System in Sierra Leone* by N. J. Brooke (Sierra Leone, 1953).

Finally there is a third set of problems at the local level which center around urban administration. A selected reading list by J. Comhaire, entitled *Urban Conditions in Africa* (London, 1952), and his *Aspects of Urban Administration in Tropical and Southern Africa* (Capetown, 1953) provide an introduction to the literature. A more detailed examination of the problem of municipal government in Lagos, the federal capital of Nigeria, is made in the *Report of the Commission of Inquiry into the Administration of Lagos Town Council* (Lagos, 1953). For the Northern Region of Nigeria, a new policy has been outlined in the *Report of the Committee on the Future Administration of Urban Areas* (Zaria, 1954).

There are a few interpretive studies in the field of local developments that assist in giving perspective. In Part 4 of his *Native Administration in the British African Territories*, Lord Hailey presents a general survey of developments and trends in "native administration." A comparative study, somewhat dated and including only the Gold Coast, is contained in Rita Hinden's *Local Government in the Colonies* (London, 1950). A short but useful critique of "The Role of Local Government" is set forth in the Hansard Society's *Problems of Parliamentary Government in Colonies* (London, 1953). A recent book by two colonial administrators, I. D. Cameron and B. K. Cooper, *The West African Councillor* (London, 1954), provides insight into the contemporary objectives of British administrators at the local level. A work of greater value is Ronald E. Wraith's *Local Government* (London, 1953).

3. *Postwar Developments at the Central Level.* As already noted, it has been at the territorial or regional level that postwar political and constitutional developments have been the most unexpected and, in terms of transfer and restructuring of political power, the most consequential. For the prewar period until 1928, Volume 1 of R. L. Buell's *Native Problem in Africa*, previously cited, is by far the most objective and complete. S. D. Bailey's small pamphlet *Constitutions of the British Colonies* (London, 1950) is now out of date, as is Martin Wight's *British Colonial Constitutions* (London, 1952). The latter contains a very suggestive introduction, and his *The Development of the Legislative Council* (London, 1947) is helpful for historical background. A brief comparative survey by Muriel Horell will be found in an article entitled "An Outline of the Systems of Government and Political Status of Non-European People in Africa South of the Sahara," in *Race Relations Journal*, Vol. 20, pp. 1-32 (No. 4, 1953).

Nigeria. The only published study of modern political development at the central level in Nigeria is Joan Wheare's *The Nigerian Legislative Council* (London, 1950), which ends with the introduction of the so-called Richards Constitution (1947). It is therefore mainly of historical significance. Since 1947 there have been two far-reaching revisions in Nigeria's constitution. The record and the results of these revisions will be found in the following official publications, all obtainable from either the Government Printer, Lagos (G.P.L.) or Her Majesty's Stationery Office, London (H.M.S.O.), as indicated in chronological order: *Review of the Constitution—Regional Recommendations* (G.P.L., 1949); *Proceedings of the General Conference on the Constitution* (G.P.L., 1950); *Report of the Drafting Committee of the Constitution* (G.P.L., 1950); *Review of the Constitution of Nigeria*. Dispatch from the Secretary of State dated July 15, 1950 (G.P.L., 1950); *Handbook of Constitutional Instruments* (G.P.L., 1950); *Report by the Conference on the Nigerian Constitution held in London in July and August 1953* (Cmd. 8934) (H.M.S.O., 1953); *Report by the Resumed Conference on the Nigerian Constitution held in Lagos in January and February, 1954* (Cmd. 9059) (H.M.S.O., 1954); and *Statutory Instruments: Nigeria (Constitution) Order in Council, 1954*, and *Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, No. 1147* (G.P.L., 1954).

While these formal documents are important as the stepping stones to Nigerian self-government, they provide little insight into political dynamics and the play of forces which produced them. This void is partly filled by the following published debates and proceedings of the several Nigerian representative assemblies since 1947: *Legislative Council Debates*, March 1947–August 1951; *House of Representatives Debates*, January 1952–; *Western House of Assembly Debates*, March 1947–; *Western House of Chiefs Debates*, January 1952–; *Eastern House of Assembly Debates*, March 1947–; *Northern House of Assembly Debates*, March 1947–; *Northern House of Chiefs Debates*, March 1947–.

These dramatic constitutional changes have had fiscal implications that have posed many difficult problems, particularly as regards the allocation of central revenue to the units of what has now become a Nigerian federal system, as well as the distribution of the proceeds of taxation between the native administration-cum-local government units and the new regional governments. These problems have been examined in detail in a series of important reports: Sir Sydney Phillipson, *Administrative and Financial Procedure under the New Constitution* (Lagos, 1946); *Report of the Commission on Revenue Allocation* (Lagos, 1951); and Sir Louis Chick, *Report of the Fiscal Commissioner on the Financial Effects of the Proposed New Constitutional Arrangements* (Cmd. 9026) (London, 1953).

Gold Coast. Martin Wight's *The Gold Coast Legislative Council* (London, 1950) provides the historical background and a starting point for the study of postwar constitutional developments at the center. As in the case of Nigeria, the story since 1947 must be reconstructed from a study of the debates in the Gold Coast Legislative Council (since 1951, known as the Legislative Assembly) and the following constitutional documents and instruments published, as indicated,

by the Government Printer, Accra (G.P.A.) or Her Majesty's Stationery Office, London (H.M.S.O.): *Report of the [Watson] Commission of Enquiry into Disturbances in the Gold Coast, 1948*, Colonial No. 231, 1948 (H.M.S.O., London, 1948); *Statement by His Majesty's Government on the Report of the Commission of Enquiry into the Disturbances in the Gold Coast, 1948*, Colonial No. 232, 1948 (H.M.S.O., London, 1948); *Report to His Excellency the Governor by the [Coussey] Committee on Constitutional Reform*, Colonial No. 248, 1949 (H.M.S.O., London, 1949); *Statement by His Majesty's Government on the Report of the Constitutional Committee*, Colonial No. 250, 1949 (H.M.S.O., London, 1949); *Letters Patent Passed under the Great Seal of the Realm Constituting the Office of Governor and Commander in Chief of the Gold Coast Government and Ashanti and Making Provision for the Government Thereof* (H.M.S.O., London, 1950); *The Government's Proposals for Constitutional Reform* (Accra, 1953); Sir Sydney Phillipson, *Regional Administration* (Accra, 1951); *Report from the Select Committee on Federal System of Government and Second Chamber for the Gold Coast* (Accra, 1955).

There are as yet very few interpretive or analytical studies on this period of political change. A good short report is John R. E. Carr-Gregg's "Self-rule in Africa," *International Conciliation*, pp. 319-82 (Sept., 1951). George Padmore's *The Gold Coast Revolution*, previously cited, provides another view (that of the African nationalists). A recent appraisal by a prominent participant, one of the Gold Coast's leading scholars, is Dr. Kofi A. Busia's "The Gold Coast and Nigeria on the Road to Self-Government," in *Africa Today* (Baltimore, 1955). Critical analysis by an American scholar will be found in David E. Apter's "Political Democracy in the Gold Coast," in *Africa in the Modern World* (Chicago, in press); *The Gold Coast in Transition* (Princeton, 1955); and "British West Africa: Patterns of Self-Government," *The Annals*, pp. 117-29 (March, 1955). A legal study of the development of the new Gold Coast Constitution by Professor P. F. Gonidec, Director of the School of Law of the Institute of Higher Studies in Dakar, has been published under the title *Vers la Création de Dominions Noirs* (Dakar, 1953). For an analysis of political movements and parties see my article "Current Political Movements in Africa," *The Annals*, pp. 95-108 (March, 1955), and also "The Emergence of African Political Parties" in *Africa Today* (Baltimore, 1955), pp. 225-56.

Sierra Leone and the Gambia. Constitutional development in these two smaller territories has been much less spectacular, partly because of their history and size, but mainly because of the absence of a militant and claimant nationalist movement. Indeed, in Sierra Leone one finds a very curious situation, for here the most acculturated elements (Creoles of Freetown) have resisted constitutional changes aimed at greater autonomy. The principal reason is their fear of being swamped and dominated by the peoples of the Protectorate. The relevant official publications on constitutional development at the center are: *Reconstitution of the Legislative Council in Sierra Leone, 1948*, (Freetown, 1948); *Reconstitution of the Legislative Council of Sierra Leone, 1950* (Freetown, 1950); *Report of the Electoral Reform Commission* (Freetown,

1954); the *Gambia [Constitution] Order in Council*, No. 1145, 1954; and *Colony Elections Ordinance No. 1 of 1954* (Bathurst, 1954). These should be supplemented by a study of the published Legislative Council Debates, as well as the proceedings of the Protectorate Assembly at Bo, in the case of Sierra Leone. Two brief commentaries will also be found useful as summaries: Central Office of Information, *Constitutional Progress in Sierra Leone* (London, 1953), and J. D. Hargreaves, *Problems of Constitutional Development in West Africa* (Freetown, 1954).

4. *Other Developments.* In addition to the problems of developing institutions appropriate for self-governing states, there are other problems of a political nature which have commanded no little attention. In general terms some of these have been examined by D. and H. Kimble in *The Machinery of Self-Government* (London, 1953). One of the most critical of these problems is that concerned with the "Africanization" of the public service, that is, the replacement of Europeans, or other "aliens," by Africans—especially in the senior ranks. Because of the obvious relationship of such a program to the availability of facilities for higher education, the *Report of the Commission on Higher Education in West Africa* (Cmd. 6655, 1945) is essential by way of background. Apprehension among Africans about the rapidity and sincerity of "Africanization" has increased *pari passu* with the granting of successive increments of autonomy. As a consequence of this concern and pressure there now exists a considerable body of official literature reflecting activity in this direction. The more important reports and documents on this subject are, for Nigeria, the *Report of the Commission appointed by His Excellency the Governor to make recommendations about the recruitment and training of Nigerians for Senior Posts in the Government Service of Nigeria, 1948* (Lagos, 1948); Sir Sydney Phillipson and S. O. Adebo, *The Nigerianization of the Civil Service* (Lagos, 1954); and *Report of the (Gorsuch) Commission on the Public Services of the Governments in the Federation of Nigeria, 1954-55* (Lagos, 1955). For the Gold Coast, there are the *Report of the [Lidbury] Commission on the Civil Service of the Gold Coast, 1950-1951*, 2 vols. (Accra, 1951), and the *Statement on the Programme of the Africanization of the Public Service* (Accra, 1954). For Sierra Leone and Gambia these are the *Report of the Committee set up to Consider the Appointment of Africans to the Senior Service of Government* (Freetown, 1949), the *Report of the Commission on the Civil Service of Sierra Leone 1952-3* (Freetown, 1953), and the *Report of the Commission on the Civil Service of the Gambia* (Bathurst, 1954).

A second range of problems relates to the broad field of economic and social development—areas of activity which are politically relevant because of the increasingly statist nature of the West African economies as well as the political implications of economic prosperity and stability and the role of extraterritorial capital and enterprise. An official appraisal is contained in the third volume, "The West African Territories," of *An Economic Survey of the Colonial Territories, 1951*, Colonial No. 281-3, 1952. A United Nations study, *Enlargement of the Exchange Economy of Tropical Africa* (London, 1954), provides data on the degree of commercialization and industrialization. Another area study,

somewhat more specialized, is P. T. Bauer's *West African Trade: A Study of Competition, Oligopoly and Monopoly in a Changing Economy* (Cambridge University Press, 1954). A description and appraisal of the financial systems of the Gold Coast and Nigeria is contained in Newlyn and Rowan, *Money and Banking in British Colonial Africa* (Cambridge, 1954). A very readable general survey of the economic factor in West African developments is F. J. Pedler's *Economic Geography of West Africa* (London, 1955).

At the territorial level, there are several very important economic surveys which are invaluable for an understanding of contemporary West African societies. Nigeria has been fortunate in this regard, particularly with the published report of the mission organized by the International Bank for Reconstruction and Development: *The Economic Development of Nigeria* (Baltimore, 1955). Other helpful studies include the earlier two-volume work edited by Margery Perham on the *Economics of a Tropical Dependency* (London, 1948), and A. R. Prest and I. G. Stewart, *The National Income of Nigeria, 1950-1951* (London, 1953). Studies on the Gold Coast have tended to be more specialized: *Report of the Commission of Enquiry into the Swollen Shoot Disease of Cacao in the Gold Coast* (Colonial No. 236, 1949); J. R. Raeburn, *Preliminary Economic Survey of the Northern Territories of the Gold Coast* (Accra, 1950); G. MacDonald, *Report on Conditions of Mining Labor in the Northern Territories of the Gold Coast* (London, 1952); and the *Volta River Aluminum Scheme* (Cmd. 8702, 1952). A more general survey is contained in Dudley Sears and C. R. Ross, *Report on Financial and Physical Problems of Development in the Gold Coast* (Accra, 1953) and the *Economic Survey of the Gold Coast* (Accra, 1955). The close relationship between economics and politics in the Gold Coast is analyzed by David Apter in "Some Economic Factors in the Political Development of the Gold Coast," *The Journal of Economic History*, Vol. 14, pp. 409-27 (Dec., 1954). The administrative and policy implications of Gold Coast industrialization are covered in the report by Professor W. A. Lewis, *Report on Industrialization in the Gold Coast* (Accra, 1953). The possibilities of institutional transfer in the field of social welfare are examined by R. K. Gardiner and H. O. Judd in *The Development of Social Administration* (London, 1954). General economic objectives for the Gold Coast are set forth in *The Development Plan: Unity of Development* (Accra, 1951), and for Sierra Leone, *Plan of Economic Development for Sierra Leone* (Freetown, 1950). Certain aspects of the much-neglected economy of the Gambia are examined by D. P. Gamble in *Contributions to a Socio-economic Survey of the Gambia* (London, 1949). A wealth of statistical information and interpretive comment is contained in the annual reports of the various departments of the territorial and regional governments (e.g., Agriculture, Labor, Mines, Commerce).

V. PERIODICALS AND NEWSPAPERS

One of the characteristics of a colonial situation is the absence of conventional political activity. It is to be expected, therefore, that in situations of rapid transition from colonialism to self-government there will be a time lag

in the appearance of a body of conventional political literature. During the interim, published materials that might conceivably come under the rubric of "political" consist of perfunctory official reports and studies which tend to ignore political dynamics (as in the striking unreality of Lord Hailey's 1950 study on *Native Administration in British Tropical Africa*) on the one hand, and highly tendentious nationalist publications on the other. In practical terms this has meant, and to some extent continues to mean, a necessarily heavy reliance upon short descriptive and interpretive accounts appearing in periodical literature. Fortunately, political developments in British West Africa have received fairly competent coverage in several journals.

Serial publications of special interest to students of government and politics in West Africa can be grouped roughly into four categories: official, popular, technical, and newspapers.

Official. *Commonwealth Survey*, a fortnightly prepared by the Central Office of Information, presents a useful factual summary of developments in British territories in general. *Corona* is a monthly prepared by the Colonial Office for "British administrators overseas"; it quite frequently contains very informative articles on special political topics. By far the most valuable official publication is the quarterly *Journal of African Administration*, previously cited. It is an invaluable source for documentation and interpretation of African political developments, particularly at the local level. *The Journal of the Parliaments of the Commonwealth*, published by the Commonwealth Parliamentary Association, contains helpful summaries of debates in the United Kingdom Parliament, which are frequently occasions for the restatement of policy or the disclosure of information not otherwise obtainable. *Parliamentary Affairs*, another serial of the same type, has followed Gold Coast developments closely.

Popular. There are two Commonwealth-wide journals in each issue of which there is normally one or more significant articles on West African political questions: the bimonthly *United Empire*, journal of the Royal Empire Society, and the fortnightly *New Commonwealth*. Two other important serials—Africa-wide in scope—are the monthly *African World* and the quarterly *African Affairs*. The latter is the journal of the Royal African Society; under the heading "quarterly notes" there is a useful summary in each issue of the most important political developments on the continent. Two other journals, focused exclusively upon West Africa, stand by themselves not only because of their areal focus but also because they are about the only media available through which one can obtain continuous and reasonably objective political commentary. These two indispensable journals—the weekly *West Africa* and the monthly *West African Review*—are published in London by an editor who since 1950 has endeavored to recognize West African political realities and work with and not against the new African leadership. One of the most useful features of *West Africa* in particular is the frequent serial publication of articles written by competent observers. For example, in a series of nine articles commencing with the issue of August 7, 1954, Mr. Okoi Arikpo, a former central Nigerian minister, recorded his observations under the title, "On Being a

Minister." Again, in a series of nine articles commencing with the issue of March 1, 1952, Asa Briggs critically appraised political developments in the Gold Coast under the title, "People and Constitution in the Gold Coast."

Another distinct category of serials includes four which have consistently tended to have what might be called a pro-African orientation: *The Anti-Slavery Reporter and Aborigines' Friend*, journal of the Anti-Slavery Society; *Venture*, a monthly journal of the Fabian Colonial Bureau; *Africa Digest*, bi-monthly journal of The Africa Bureau; and *The African and Colonial World*, a monthly edited by an Indian resident in the United Kingdom. These four periodicals are particularly helpful in their presentation of the viewpoint of African nationalists.

Technical. Africa, the quarterly journal of the International African Institute, is the principal scholarly journal on developments in sub-Saharan Africa. Heavily biased in favor of anthropology, it is an invaluable source of information regarding traditional cultures, including particularly their political structures. Recently there have appeared an increasing number of scholarly articles on modernist political thought and activity. *African Abstracts*, a companion quarterly, also published by the International African Institute, is a review of periodical literature, particularly useful for its coverage of non-English journals. Finally, there are the published proceedings of the annual conferences of the West African Institute of Social and Economic Research, University College, Ibadan, Nigeria. These normally embody the scholarly contributions of all social scientists engaged in field research in West Africa. Many of these are extremely valuable for political analysis.

Newspapers. The African-owned press has been one of the principal instruments in the growth of political consciousness and the drive for self-government. The control over or the strong support of a newspaper is in most instances a prerequisite for any serious claim to political leadership in the West African territories. The West African press is of interest, therefore, not only as one of the means of acquiring and maintaining power, but also as a body of literature content analysis of which will provide a deeper insight into the ideas, symbols, and issues which have assumed political relevance. The principal papers in the West African "political" press (W=weekly; D=daily) are as follows:

<i>Territory</i>	<i>Title</i>	<i>City</i>	<i>Political Party Supported</i>
Sierra Leone	<i>Sierra Leone Observer</i> (W)	Bo	Sierra Leone People's Party
	<i>The African Vanguard</i> (D)	Freetown	Sierra Leone People's Party
	<i>The Evening Dispatch</i> (D)	Freetown	National Council
	<i>West African Standard</i> (D)	Freetown	United Sierra Leone Progressive Party
Gold Coast	<i>Ashanti Sentinel</i> (D)	Kumasi	Convention People's Party
	<i>Ghana Evening News</i> (D)	Accra	Convention People's Party
	<i>Ashanti Pioneer</i> (D)	Kumasi	National Liberation Movement
	<i>Daily Echo</i> (D)	Accra	Ghana Congress Party
	<i>Spectator Daily</i> (D)	Accra	Opposition to CPP in Accra

BOOK REVIEWS

A Study of History. Vols. VII-X. BY ARNOLD J. TOYNBEE. (New York: Oxford University Press. 1954. Pp. xxx, 772, ix, 732, viii, 759, vi, 422. \$35.00.)

The last four volumes of Toynbee's *A Study of History* fulfill the promise of the first six. A comparative study of the grand episodes in the development of mankind, which Toynbee terms civilizations, supplies the author with a wealth of opinions concerning the ways of man, regarded as a political animal, which may often be highly controversial, but do not fail to be also provocative and stimulating. Toynbee's opinions, whether or not they meet with the approval of the reader, are supported by a prodigious erudition, which ensures to the author a conspicuous and enduring place in the long line of scholars who have devoted themselves to the study of what Toynbee likes to call "Man-in-Process-of-Civilization." Toynbee disclaims membership in that school of historians who profess to deal only with facts, preferring the role of a venturesome social scientist bent on extracting from the facts the maximum amount of wisdom. Our author may not be as dispassionate and objective as he thinks he is, but such a massive study of history as he has succeeded in completing after more than a third of a century of preparation and writing, even if infused with a large measure of the attitudes and spirit of a late Victorian Englishman, will surely be recognized as the major contribution to modern knowledge by the philosophers of history.

The scope of this *Study* is conveniently indicated by the subjects of the eight parts into which these four stout volumes are divided. They deal respectively with "Universal States," "Universal Churches," "Heroic Ages," "Contacts between Civilizations in Space" and in "Time," "Law and Freedom in History," "The Prospects of Western Civilization," and "The Inspirations of Historians." These topics were all included in Toynbee's original plan of a quarter-century ago, but the treatment of several of them has been greatly affected by his subsequent experiences, above all the impact of the Second World War. One of the most attractive features of the work is the author's candid intellectual autobiography, which explains how he came to set less store by politics and more by religion than had been his original intention. The *Study* therefore may seem to be professionally less interesting to political scientists, particularly American political scientists with their traditional propensity to separate political and ecclesiastical affairs, than might have been anticipated by readers of the first six volumes, but for that very reason should be more instructive to them.

What in fact Toynbee has finally given us is a religious interpretation of history. In an age distinguished by its predilection for economic interpretations of politics this will be disappointing to many political scientists. But the growing number of American political scientists who have wearied of a traditional liberalism, spread too far and wide and thin, thereby acquiring a fresh curiosity concerning the nature and potentialities of conservatism, will find this *Study* extraordinarily rewarding. For those of them who cannot spare the time to

read four such stout volumes, there is the promise of another authorized summary in a single volume by Professor Somervell. Toynbee's interpretation of history will be hard to ignore even by those who will not like it.

Americans will at first be shocked by the little attention bestowed upon American history and politics in the study of modern Western civilization. Washington, Jefferson, Lincoln, and FDR are barely mentioned. Theodore Roosevelt and Andrew Jackson are not mentioned at all. Of the great nineteenth-century trinity, Clay, Webster and Calhoun, only the last is noticed, and he only in connection with public land policy and the treatment of the Indians. Jefferson Davis, who is mentioned in the same connection, actually gets more space than Lincoln. Ben Franklin receives passing notice in an obscure footnote, Edison is unnoticed, and Carnegie and Rockefeller escape oblivion only because of their Foundations. Woodrow Wilson, who is more frequently mentioned, rates higher in Toynbee's esteem as a historian than as a statesman. If there were nothing for Americans in this work except the study of their own country's contribution to modern civilization, the subsidies which the author received from the Rockefeller Foundation and the Institute for Advanced Study at Princeton, in order that the work might be completed, would be inexplicable.

For the edification of readers whose interest in history is chiefly pragmatic there is near the end a treatment of "The Prospects of Western Civilization" which is much more extensive than Toynbee originally intended. He seems almost excessively apologetic when he explains how he came to devote so much space to a topic which had occupied only a peripheral position in the original notes for his *Study*. The course and political consequences of the Second World War, together with the implications for the future of the new military technology, manifestly disturbed his earlier scholastic serenity. Two years ago he sought to prepare the reader for this significant change of plan by a series of radio talks over a B.B.C. network, published under the title, *The World and the West*. For the nonprofessional student of politics this may well be the best introduction to Toynbee.

Toynbee's treatment of the political problems of the Cold War will inevitably cause some readers to doubt the value of historical studies regarded as guides to political action. His conclusions doubtless supply a salutary corrective to the false hopes aroused by Marx's dialectical materialism, but they avoid the errors of an imprudent dogmatism by the acceptance of a negative attitude which offers little comfort to ordinary working politicians and worried voters. "What happened to Greeks and Romans"—in Toynbee's opinion one of the greatest catastrophes of history—"may happen to the Western world," he opines. But he is not positive about it. "We cannot say," he concludes, "since we cannot foretell the future." He concedes that the future universal state of modern Western civilization may be the fruit of world conquest by the Soviet Union, or of world conquest by the United States, or even possibly of a great creative act of political imagination and practical sagacity like the formation of the More Perfect Union in 1787. No one, he thinks, can be sure. What is sure, in his opinion, is the destruction of the national sovereign state and the end of

what we have too long been pleased to call modern times.

Toynbee's hatred of the Nazi version of the sovereign national state leads him to what seems to be an unbalanced condemnation of modern nationalism in all its various forms. The Republic of Israel, which he terms in one place a fossil of the Syriac civilization, he compares unfavorably and unfortunately with Hitler's Third Reich. Modern nationalism may well be destined to go the way of all things that have served their proper purpose and no longer suit the needs of altered times. Indeed Toynbee's argument on this point is very impressive. But indiscriminate condemnation of a political phenomenon whose existence upon his own theories must be regarded as a valid response to an authentic challenge, tends to confuse rather than enlighten the casual reader.

After all, the ancient Greek and Roman city-states, political products of a civilization which Toynbee greatly admires, were analogues of the modern national state. If the decline and fall of the Roman Empire, and of the Hellenic Civilization as well, which Toynbee dates from the outbreak of the Peloponnesian War, was a calamity, because thereby classical Athens was denied the full fruition of its cultural promise, what is to be said concerning the effect of the two world wars of our time upon the eventual fate of modern Western civilization? Toynbee is certain that the future of Western civilization is bound up with the development of a corresponding universal state, but he is now no great admirer of universal states. When he began the publication of his great work, it seemed that the culmination of Western civilization in a universal state might be recognized as a rational end of the political process. But now the universal state is no longer acceptable as an end in itself. Toynbee can accept it only as a means to some greater end.

A remark of his in his little book, *The World and the West*, is in this connection highly significant. "After the Greeks and Romans had conquered the world by force of arms, the world took its conquerors captive by converting them to new religions which addressed their message to all human souls without discriminating between rulers and subjects or between Greeks, Orientals, and barbarians." This quotation is the key to Toynbee's philosophy of history. The future to which he looks forward with happy anticipation is that of a world dominated by a universal religion. But this universal religion, as he sees it, will have to be a new religion, a blend of the best in Christianity, Islam, Buddhism, and Hinduism. This view will not set well with modern ecclesiastics in any part of the world. So Toynbee becomes a prophet who cannot expect to be held in high honor by most contemporary statesmen and churchmen, preoccupied with efforts to maintain institutions which he has tried in the court of world history and found wanting. Nevertheless, whether honored or not, there can be no doubt that he has written his name into the list of the major prophets.

American political scientists need not regret that Toynbee has found little of interest in the annals of American domestic politics. Our grand topics, the separation of powers, checks and balances, federalism, the role of partisanship in the governmental process, the reconciliation of what we believe to be democracy with our great fetish of efficiency: these are topics on which in any case he would have had little to say. With our growing interest in the more intelligent

organization of international institutions we may lament his failure to concern himself deeply with the principles of international administration. A historian who knew more than Toynbee about the political history of the Sinic civilization, particularly the organization and administration of the Celestial Empire, might have given us a valuable comparison of public administration on a great scale by lawyers at Rome and Constantinople and by scholars and students of political ethics at Sian, Loyang, Kaifeng, and Peking. But Toynbee, though the possessor of prodigious knowledge about emperors and kings and lesser statesmen in many parts of the world, does not know the various parts equally well. His heart lies in the civilizations which he learned to know best in his early years, the Hellenic and its off-shoots. Like Erasmus, with whom it would be interesting to compare him, his great contribution to learning is a better understanding of our cultural traditions rather than deeper insight into contemporary political problems. He can hold contemporary political leaders to a high standard of performance, but he cannot tell them what to do in their daily task of working the political institutions which happen to be entrusted to their hands.

American political scientists, however, will serve themselves badly if they do not profit from Toynbee's enlightened treatment of the favorite political ideas of our time. The meaning of democracy for example, may be discussed in the framework of a particular political state, such as either the United States or the Soviet Union. But it cannot be discussed adequately without taking a broader view. Toynbee does this, and his synthesis of the particular American and Russian viewpoints offers a lesson in political philosophy which would be helpful, not only to McCarthyites and other thoughtless heresy-hunters, if they were capable of understanding it, but also to all who believe that the American political tradition supplies a solid foundation for the development of political ideas suitable for an atomic age. For Toynbee is not only a late Victorian Englishman, but also a timeless cosmopolitan, a genuine citizen of our world.

The ultimate test of Toynbee's contribution to the study of history is his handling of the perennial controversy between those who believe in the freedom of the will and those who bow to the imperious rule of necessity in human affairs. Fate, Luck or Pluck: which is it that dominates the course of human events? Toynbee had apparently planned to deal with such questions in a part of his work originally called, "Rhythms in the Histories of Civilizations." Further reflection, stimulated particularly by the Second World War, brought greater depth to his thinking and caused him to change the title of this part of the *Study* to "Law and Freedom in History." In the end, he thinks, law and freedom will cease to be distinguishable in a universal state in which mankind seeks its highest good in the fellowship of a universal religion. This "liberating truth," as he calls it, certainly involves a definite rejection of the political science of the Russian Marxists, but where it leaves American political science is not so clear. In closing Volume X Toynbee promises to continue his study of history, which it may be hoped he will be enabled to do.

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The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution. By LOUIS HARTZ. (New York: Harcourt Brace and Co. 1955. Pp. ix, 309. \$4.75.)

This brilliant book should provoke much discussion. Reacting against the Smith-Beard-Parrington analysis, Mr. Hartz finds the clue to an understanding of the American tradition not in perpetual conflict but in underlying American agreement about basic norms. The book is a continuous argument against trying to adopt European concepts that simply do not fit the American scene, and a continuous demonstration that the meaning of the American experience cannot be completely grasped except in terms of European contrasts. Thus Mr. Hartz looks to Europe not for "sources" and "influences," but for parallels and distinguishing differences.

He traces the unique quality of American politics and political thought to the original reception of Locke by a "non-feudal," classless society. Locke's "basic social norm, the concept of free individuals in a state of nature," was taken by Americans as a simple description of fact. Lacking a "genuine revolutionary tradition," since the Americans in 1776 were defending what already existed, and lacking a "tradition of reaction," since few Americans had vested interests in an obsolete social order, America had need for neither a Robespierre nor a Maistre. The basic American norms have been social freedom, social equality, and a bourgeois concern for property—the equality reflecting a classless society, and the American view of liberty pointing toward suspicion of state power. Throughout American history, Mr. Hartz finds a common acceptance of this "Lockian" tradition underlying all debates. But, in the absence of genuine extremes, the middle was often artificially fragmented, Federalists and Whigs appearing to their opponents as aristocratic reactionaries, early democrats as dangerous demagogues, and later Progressives as "socialists." Confusions have plagued both the theoretical debates and the history of them, because of failure fully to realize the implications of the unique American situation. Untutored by a European experience of class differences, American liberalism has been an irrational "submerged faith," stressing equality at the expense of variety and always including "the inarticulate premise of conformity" (p. 57); Americanism became a self-evident, compulsive, absolute creed.

Mr. Hartz develops his thesis most convincingly in his chapter on the Whigs, who sacrificed their liberal heritage in futile opposition to the democracy with which they might readily and profitably have allied, and in his chapters on the liberal character of early American democracy and on the triumph of "the new Whiggery" in the post-Civil War era. The American Whigs were frustrated by "the absence of an aristocracy to fight, the absence of an aristocracy to ally with, and the absence of a mob to denounce" (p. 96). Their victory came only after they had "discovered America" and converted American Lockism into the Alger myth. In his analysis of the "Feudal Dream of the South," which sharpens the main theme by contrast, Mr. Hartz finds the tracks of Locke crossing the trail of the defenders of a slave society. A few sharp pages on Cal-

houn reduce that "profoundly disintegrated political theorist" to his proper dimensions. Distinguishing between the Progressive politicians and the Progressive historians, Mr. Hartz finds that the former "compulsively embraced the Alger ethos" (p. 235), while the latter betrayed the Progressive movement by misinterpreting it as a phase of a perennial American class struggle. Enslaved by Algerism, Progressives joined in the "fanatical rejection" of un-American socialism. The New Deal appears as a series of pragmatic policies; the New Dealers' freedom to act was made possible by their refusal to discuss the continuous, irrational liberal faith. The need to transcend the irrational tradition, Mr. Hartz concludes, appears most urgently in the problems forced upon America by involvement in world affairs. An understanding of the uniqueness of the American experience is necessary to the substitution of intelligence for messianic democratic chauvinism abroad and for "redscare" (*sic*) at home.

Mr. Hartz's thesis throws new light on many topics. For example, it gives an explanation of the voluntary submission of the American people to cumbersome constitutional checks against a nonexistent popular radicalism, and an explanation of that premium on conformity which recurrently evokes hysterical reactions to unintelligible alien challenges. His analysis also answers those who lament the absence of conservative principles in America: for, as he shows in detail, the only American tradition to which American conservatives can appeal is the liberal tradition.

Mr. Hartz's epigrammatic style and shorthand references leave many specific questions in their wake. Some general questions also arise.

Some difficulties accompany the virtues of his comparative analysis: "Europe" becomes, in effect, England and France; the differences between French and British experience, which often emerge sharply in detail, are obscure in the general pattern of analysis; did England have a "genuine revolutionary tradition"? Also, does not Mr. Hartz overemphasize the "Hobbesian cosmos" of the Federalists, even while acknowledging their statesmanship? The Federalists certainly talked, and presumably thought, in terms of general interest as well as in terms of conflict (as Beard himself in his mellow age observed). And should not Mr. Hartz's exposure of the fallacy of Hamilton's fear of the mob be balanced by some consideration of the validity of Madison's factional analysis? Moreover, is it correct to suggest that those Americans who were disturbed by the American trend toward conformity found no solution except some sort of expatriation? Would not the book be improved by more consideration of the thin but persistent stream of American thought—represented by people as diverse as Jefferson, Emerson, Thoreau, the Adamses, and Justice Holmes—which attempted to relate the principle of variety to the American Lockian tradition, either through insisting on the moral autonomy of the individual or through exploring the possible relations between democracy and "natural aristocracy"?

Were the Progressive reformers enslaved by "the Alger dream of democratic capitalism"? True, they reasserted their belief in individualism and in a classless society at a time when Mr. Hartz thinks they should have recognized "the

irreversible rise of a proletariat" (p. 231). But they explicitly rejected the Sumner-Carnegie confidence in the beneficence of uncontrolled economic forces. In seeking to use public power as a means to individual liberty, were they not moving in the direction represented in England by Green and Hobhouse? This suggests a more fundamental question. In making Locke a comprehensive symbol of the American creed, does not Mr. Hartz obscure the importance of the shifting pattern of the component elements of Lockism? Equality, liberty, property, the minimized state—this pattern, as Mr. Hartz recognized, has produced varying practical results; but the different results have depended upon the dominance of one or another component element or combination of elements. Would not a more systematic tracing of the several strands qualify Mr. Hartz's picture of a general American agreement?

The America of the income tax, the Federal Reserve, the SEC, TVA, social security, and price supports is clearly a very different America from that of Mr. Carnegie. Can one properly describe the Progressive component of these changes as enslavement to Algerism, or attribute the New Deal component merely to "amoral" "free-wheeling inventiveness"? Is it true that the ideology of the New Deal was merely pragmatism resting on a submerged Lockism, or rather that under the long-continued impact of various critics—including the socialists, who had by no means been ignored—an old tradition had been rather thoroughly, if roughly, reinterpreted? If we are not merely to understand our past but also to transcend it, must we not recognize that above the submerged area of irrational faith there has also been a significant area of rational effort to define and reconstruct? Might we not even suggest that, after the Whigs' discovery of America, America has been gradually rediscovered by reformist liberals?

JOHN D. LEWIS.

Oberlin College.

Politics in America. BY D. W. BROGAN. (New York: Harper & Brothers. 1954. Pp. 467. \$5.00.)

From several standpoints, this book is of unusual interest. As the work of a British observer, it is an extraordinarily perceptive report on the nature of American politics. (Would that we were better able to repay in like coin the excellent studies of American life that this visitor from abroad and a few others have made in recent years!)

American readers can count themselves fortunate in having so well-informed, so entertaining, and so basically sympathetic an observer to discourse upon both the fundamentals and the foibles of our political life. The volume makes good sense consistently and good fun deservedly over a wide range of political phenomena. The author writes with skill and with the sophistication based upon wide reading and direct personal knowledge.

The book is perhaps of greater interest to political scientists if viewed, not as a notable addition to the many volumes written by British visitors, but as a contribution to political science. In these terms, it serves to illustrate problems

of method and of political analysis and interpretation. The author is alert to the need for a conscious awareness of his assumptions about what is relevant and significant in ordering data on so broad a topic as "Politics in America." As he summarizes this point, the European observer "must be willing to notice the extraordinary phenomena he is studying, without reacting like the farmer who saw the giraffe and said 'Impossible.'" Professor Brogan states in the preface that his book "has no thesis except that the [American political] system has its own logic, its own justification and is, in general, a success. . . . This system, too, should be studied in its own terms; its successes and failures seen in their American context." When we recall the tendency, not so many years ago, of some writers both foreign and domestic to pass judgment on American institutions against an alien context, frequently British, Brogan's achievement of his professed aim warrants emphasis. In terms, then, of the task set by the author, his goal is attained in attractive and persuasive fashion.

The book is comprised of nine essays on the following topics: "The Character of the American Polity," "The Party System," "Race and Politics," "Machines and Bosses," "Politics and Morals," "The National Convention," "The Campaign," "President and Congress," "Politics and Law." The first two essays and the two concluding the volume strike this reviewer as the most closely reasoned and enlightening. At his best, Professor Brogan has the insightful qualities of de Tocqueville. The middle portions of the volume lack this degree of profundity. How, for example, is the reader to regard the conclusion reached in the chapter on "Race and Politics" that "the chief makers" of a more perfect union in race relations have been the politicians (p. 122)? To sustain this generalization, a rigorous comparative analysis of a great mass of evidence would be required. It is better taken, perhaps, as an editorial point rather than as an empirical finding. As a literary production, the book as a whole lacks the cumulative impact of a closely-reasoned treatise. It is loosely organized and non-systematic. From the standpoint of method, it is perhaps most fairly judged by the standards applicable to the essayist. It has both the charms and the personal quirks of discursive, impressionistic writing.

To this reviewer, the volume was quite rewarding when treated as a companion piece to *Government of the People*, written by Professor Brogan in 1933. A comparison serves to point up changes in outlook, by no means confined to this author, that have occurred in the interpretation of American politics during the past generation. As pictured over two decades ago, the capacity of our institutions to cope with the problems of those times and with the prospects of the future was not good. Professor Brogan, along with many other critics closer to the scene than he, clearly underestimated both the forces for stability in American politics and the capacity for adjustment of our political structure.

In his analysis of American politics this time there is much less tendency to suggest governmental alterations without analyzing thoroughly their full implications. The author in his first volume advocated a number of specific reforms such as the abolition of the Electoral College and senatorial courtesy, and urged "that the sections of the population who believe in giving the rich

their head, should be on one side and those who disagree should be on the other" (p. 384). He reached the general conclusion that "The American government is so organized that it is difficult to do anything at all, impossible to do some things and difficult or impossible to undo things once they have been done, without what may very well be disastrous delay" (p. 381). The general spirit of his present commentary is well reflected when he concludes his discussion of "The President and Congress" as follows: "And the American voter, politician, publicist, professor is far more soaked in the presuppositions of the present system, far more broken into its ways than, perhaps, he realizes. Good political habits—and American habits are, on the whole, good (no more can be said of British habits)—are too rare a thing to be thrown away in the world of today. The American people are right not to let the best be the enemy, not only of the good, but even of the slight improvements that the system is capable of without changing its basic character."

On balance, he shows that he has read and pondered much of the extensive writing of American political scientists and put these materials to thoughtful use.

PENDLETON HERRING.

Social Science Research Council.

Justice William Johnson, The First Dissenter: The Career and Constitutional Philosophy of a Jeffersonian Judge. BY DONALD G. MORGAN. (Columbia: University of South Carolina Press. 1954. Pp. xv, 326. \$6.50.)

Professor Morgan has given us a judicial biography of meticulous and perceptive scholarship, firmly grounded in original sources, and organized around an analysis of the leading controversies that arose on the Marshall Court. Without resort to trivia or a fictionalized style he develops a full-bodied account of Justice William Johnson's character and constitutional philosophy, linking the past to the present in demonstrating the relevance of many of Johnson's decisions to contemporary problems of national-state relations.

The subtitles of this work may occasion preliminary surprise, since Johnson was not strictly speaking the first dissenter, Justice Iredell for one having an earlier claim, and since Jefferson himself pretty clearly had doubts about Johnson's Jeffersonianism, for example when he wrote in 1811 to Judge Tyler that not one "milk-and-water Associate" was able to stand up to that "one Judge, in whose hands the law is nothing more than an ambiguous text, to be explained by his sophistry into any meaning which may subserve his personal malice."

However, the author is aware that a major point of interest to the student of Johnson's career on the bench (1805-1833) is the remarkable course of this Justice in apparently repudiating the principles of the President who appointed him. Johnson never failed to acknowledge, publicly and in private correspondence, his admiration for Jefferson. Yet he rebuffed the President in the *Embargo Mandamus Case* (1808), denying the executive power to implement statutory intent; summoned natural law to the defense of vested property

rights in *Fletcher v. Peck* (1810); concurred in the further stretch of the contract clause in *Dartmouth College v. Woodward* (1819); asserted a broad definition of implied powers in *Anderson v. Dunn* (1821); and out-Marshalled Marshall in arguing an exclusive national authority over commerce in *Gibbons v. Ogden* (1824). Was he, to borrow a phrase from Tom Paine, an "apostate or an imposter"?

Professor Morgan's position is that he was neither. "If his conclusions on national powers were unorthodox, his major premise was Jeffersonian" (p. 206). That premise was trust in the will of the people expressed through representative assemblies, supported by the practice of judicial restraint and respect for positive law. Johnson's lapse in *Fletcher v. Peck* is explained by his abhorrence of retrospective laws, which he regarded as intrinsically unjust. As for his nationalism, the author shows that it was derived from a conviction that Congress should be trusted as the primary agency for improving the lot of individuals and promoting national unity, but that it was supplemented by a consistent belief that the states should be granted leeway in experimenting with economic legislation, such as bankruptcy and taxing laws, designed to alleviate social ills. In short, Johnson transcended the national versus states rights debate of his day, and adopted an essentially modern perspective toward the problems of federalism, a perspective formed by the realization that these problems required political realism and judicial flexibility rather than doctrinaire constitutional interpretation for their solution. This conclusion is reinforced by Professor Morgan's colorful account of Johnson's role in first attempting to conciliate and then in resisting the extremists in his own state of South Carolina during the turbulent controversy over the Ordinance of Nullification.

Intermixed with this central theme, the author provides intriguing insights into the personal and political lives of the judges. Marshall confides his fears to Joseph Story that "a revolutionary spirit" had appeared on the Court, as exemplified by the desire of certain Justices (including Johnson) to find living quarters apart from the boarding house in Washington where the Chief Justice held dinner table court (pp. 174-87). Johnson corresponds with Jefferson in a long and subtle dialogue on the true principles of Republicanism (Ch. 9). Johnson chafes against the restraints of the bench, issues anonymous polemics to the press, and for a time considers resignation in obvious discontent at frustrated political ambitions (Ch. 6). The picture Professor Morgan draws is of a man who lacked that complex of characteristics called "judicial temperament," but who nonetheless through independence of spirit and restless intellectual activity made substantive contributions to the formative period of American law.

ARNAUD B. LEAVELLE.

Stanford University.

Regulating Business by Independent Commission. BY MARVER H. BERNSTEIN. (Princeton: Princeton University Press. 1955. Pp. xi, 306. \$5.00.)

The importance of this book consists in the frankness with which the author,

one of our best-informed students of the independent regulatory commissions, has written the most critical analysis of their political role and administrative operations to be found outside the literature advocating public enterprise. The only positive count in Bernstein's indictment of the commissions (his study is ostensibly based upon the work of the ICC, FTC, FPC, FCC, SEC, NLRB, and CAB) is that "their record is good with respect to the achievement of fairness and equity in administrative adjudication," but even here they have a "tendency to overjudicialize procedures." In general, both administratively and politically they "have not been satisfactory instruments of governmental regulation of business. They have been founded on a basically undemocratic concept of the political process and have helped to perpetuate naive notions about regulation of business, the virtues of group decision, and the uses of expertness" (p. 294). Claims on their behalf for the values of expertness have in practice degenerated into narrow professionalism; arguments urging the desirability of insulation from popular and partisan influences have in fact increased the commissions' sensitivity and exposure to the pressures of the regulated groups; their broad discretionary powers have not been controlled by firm lines of political responsibility; in policy formulation their performance has been characterized not by adaptability and consistency but by apathy and passiveness. "They have lacked an affirmative concept of the public interest. . . . As a method for ordering economic relations in society short of governmental ownership and operation, it [regulation by commission] has not proved itself" (p. 296).

The author has performed a signal service by systematically reviewing 70 years' experience and 20 years' research with the independent regulatory commission. His approach is not descriptively analytical, like Herring's *Public Administration and the Public Interest*, or historical, like Cushman's *Independent Regulatory Commissions*, but avowedly critical and evaluative. His criteria are those of the professional administrator, not in the narrow sense of a technician, but of the trained student of government who has a keen sense of the politics of administration. He has deliberately chosen to take a general view of the performance of the independent commission as a political and administrative instrument, separate and distinct from considerations that might seem important to economists or to specialists interested in the substantive policies or effects of specific regulatory programs. As such, he has increased our understanding of what may be called the "administrative policy" viewpoint. By no means least significant is his definitive demonstration of the administrative shortcomings of independent commissions, and their institutional transformation in political reality away from the goals visualized by their proponents.

Reformers and students of public administration who look at the regulatory process from the standpoint of the Chief Executive will find much to applaud and agree with in this book. So will extremists of both Right and Left. On the other side, professional students of public policy in particular fields of regulation, responsible leaders of group organizations with vital stakes in regulatory policy and administration, politicians faced with the duty of sacrificing the best as the price for getting something better, perhaps even some nonspecialist

elements of the general public, will feel that the author's analysis is general rather than discriminating, and that he has been more interested in arriving at judgments based upon ambiguous, ethical standards than in proving out a series of limited hypothetical propositions about the nature of commission regulation as it actually functions in the political process. The latter point is ironic, because one of the author's avowed objectives is "to develop a more realistic concept of the process of governmental regulation," and in his ninth chapter he suggests no less than five quite realistic views of administrative regulation, based upon the postulate that regulation cannot be understood apart from its social and political context, and is itself "an intensely political process."

The paradox comes about because the author does not employ his "realistic" concepts to analyze the data in the main body of his study. His basic procedure is to expose the discrepancies between "the facts" of commission regulation and selected standards of evaluation. Among the latter are: the beliefs and myths that were used to rationalize the creation and expansion of regulatory commissions (Chs. 1-2); the values of expertness (Ch. 4); "independence," "responsibility" and "the public interest" (Ch. 5); "policy integration," "impartiality," "organizational planning and management," "ethical codes" (Ch. 6); "creativity in offering incentives for compliance" (Ch. 8). Chapter 3 is an exception: it attempts to test the life-cycle or stages theory of administrative regulation suggested by Graham, Davis, and Redford. Chapter 7 is a useful, but quite separate study of the effects of the Administrative Procedure Act of 1946 upon the operations of independent commissions. In the large, therefore, Bernstein's "realistic concept of the regulatory process" turns out to mean not an operational idea but a *perspective*, from which the author seeks to persuade the reader that the problems of administrative regulation will be more readily solved if he (1) accepts the insight that regulation is unavoidably political, (2) recognizes the failure of the independent commission to measure up to specified requirements of effective regulation (Ch. 10).

The author refrains from making specific recommendations, but he takes the general position that "there must be progressive revision of regulatory goals, policies, and methods in order to keep pace with technological and industrial developments and changes in democratic goals" (p. 291). It is difficult to pinpoint the meaning of this formulation of the values involved, beyond the general desirability of change and improvement. However, this reviewer would suggest that the following considerations preclude immediate acceptance of certain policy implications that may be inferred from the general argument of the book:

1. The conception of regulation "as political" is admittedly ambiguous, indeterminate, and has not been worked out rigorously to avoid the possibility that conflicting consequences (to his own position) may properly be inferred therefrom.

2. The author accepts a criterion of "political responsibility in a democratic society" which denies legitimacy to the efforts of Congress and regulated groups to establish direct lines of communication and consultation with the

commissions; at the same time he implicitly assumes that controls exercised through the Chief Executive and central staff agencies are "democratic" and untainted by selfish, private, or nonpublic official interests.

3. The author rigidly separates his politico-administrative analysis of regulatory commissions from consideration of the substantive effects, intended or unintended, of the statutes administered by the commissions; the result is that any positive policy values achieved by the commissions have been systematically excluded from the data of the study.

4. The selected sample of seven independent commissions (which arbitrarily excludes the Federal Reserve Board) excludes any cases of regulation by executive departments, so that it is impossible to compare the degree to which the author's conclusions are applicable or inapplicable to other forms of regulation than the independent commission.

5. Neither the procedure nor the presentation of the analysis permits the reader to determine the factual differences between the commissions with respect to which the findings are more or less applicable. Thus considerable doubt is thrown upon the validity of the author's conclusions as "findings of fact" with respect to any particular agency.

6. The author's discussion of the distinction between "regulatory" and "executive" functions does not penetrate to the central problem of the relation between the "judicial" and "managerial" roles of the administrator.

AVERY LEISERSON.

Vanderbilt University.

The TVA: An Approach to the Development of a Region. BY GORDON R. CLAPP. (Chicago: University of Chicago Press. 1955. Pp. xiii, 206. \$3.50.)

Personnel Policy in a Public Agency: The TVA Experience. BY HARRY L. CASE. (New York: Harper & Brothers. 1955. Pp. xii, 176. \$3.00.)

Experiment in Management: Personnel Decentralization in the Tennessee Valley Authority. BY ROBERT S. AVERY. (Knoxville: The University of Tennessee Press. 1954. Pp. xi, 212. \$4.50.)

The Tennessee Valley Authority, created after a decade and a half of debate and controversy, is still, after 22 years, a focus of great attention and debate. Its unique characteristics, its accomplishments, and its symbolism make it well worth all the attention it has received.

Only one of the books reviewed here deals with the TVA in general; the other two describe the agency's personnel policies, which have probably been as unique and pioneering in the field of personnel administration as have its general structure and program in the area of governmental organization and function.

Gordon Clapp left TVA in 1954, 21 years after he joined the Authority. The central part of his life had been devoted to it, as assistant personnel director, personnel director, general manager, and chairman of the board of directors. It would be too much to expect a detached and unbiased evaluation of the TVA

record from him. His deep emotional attachment to the institution and its goals are obvious. The TVA case is a good case, however, and Mr. Clapp states it eloquently and well without being dogmatic or doctrinaire.

While the TVA has never been a general purpose government, its multiple purpose operation constitutes one of its special characteristics. Mr. Clapp discusses many of these interrelated purposes and programs—forestry, fertilizers, flood control, navigation, and power, among them. While there are evidences of significant accomplishments in all these areas, it is in the engineering and development of the power resources, among the end purposes, and in the building and management of a magnificent administrative organization that the TVA story is most impressive.

More than a fourth of *The TVA* is devoted to a discussion of a national power policy. Mr. Clapp feels that a rapidly growing supply and reserve of electric power is of such basic importance that the nation should provide assistance to private power concerns in the form of government guarantees of investments and government provision of low cost investment capital and, in addition, foster some strongly competitive public power systems.

Clear to those who read any of these books, and even more so to those who have had contacts with TVA personnel, is the fact that, whatever the other merits and demerits of this particular administrative device, an institutional tool of the highest quality has been fashioned. A remarkable degree of *esprit de corps* and high competence are evident in the undertakings of the agency. Much of this attitude must be related to a set of personnel policies which differ very considerably from those considered orthodox among public personnel practitioners.

Mr. Case, who has been with TVA nearly as long as Mr. Clapp, and has been its personnel director longer than any other man, describes the personnel policies of TVA lucidly, persuasively, and with great economy of words. These personnel policies do not conform to many of the traditional approaches in civil service administration. The original act provided for appointments and promotions "without regard to the provisions of Civil Service laws . . . but all such appointments and promotions shall be given and made on the basis of merit and efficiency. . . ." TVA has used selective recruiting rather than published announcements of vacancies; there has been small reliance on tests and little use of numerical ratings; open registers have been standard for many years; there is no rule of three; there is little concern for minimum job requirements; the concept of training has included broadly-based efforts at community education; there has been a strong and continuously developing positive effort to decentralize nearly all personnel activities to operating supervisors. Most interesting, perhaps, has been the TVA experience in favoring and assisting the development of employee unions and collective bargaining.

Professor Avery's book is directed primarily at a single facet of TVA personnel management—the policy of personnel decentralization, although many aspects of the personnel program inevitably enter into this examination. It is a much more detailed analysis than the one presented in the Case volume, and is

accompanied by much more academic and scholarly paraphernalia of the type found in doctors' dissertations, which this was in first draft.

Professor Avery, a former TVA personnel division staff member, finds some things in the TVA personnel program to criticize. Generally, however, he accepts without question all of the chief distinguishing features of the system, and some of his criticisms seem to be suggestions that the agency go even further in its departures from traditional public personnel policy. Most of his critical comments—for example, that there is insufficient participation in personnel policy-making by middle and lower management, that supervisory training was slow in starting and is still insufficient, that not enough time has been devoted to central office review and appraisal of divisional personnel activities, or to research—are of the nature of small improvements which conscientious staff members would be continually turning over in their minds. In some cases, developments reported in the Case book have occurred since the Avery manuscript was completed, and lead in the directions which he has suggested.

All three volumes contribute overwhelming evidence that the building of the social institution which is the TVA organization and staff is at least as significant an achievement as the building of dams or the production of power, important though these are. Many may question the wisdom of certain portions of the TVA program, but few can deny the intelligence, carefulness, or dedication of its staff. There has been developed an attitude and a spirit that, as Mr. Clapp says, "brings rewards beyond calculation. . . . Money will not buy it; high salaries cannot command it. Integrity and a practice of high expectations must be among the ingredients to produce that result" (p. 45). The challenge of the work to be done, the peculiar organization of the agency and its relationships, the inspiration and leadership of a few key individuals, have combined to produce this result. The TVA experiment in the application of democracy to public administration has helped some of its staff members "to find and use the inner wellsprings of propulsion that produce a graceful and effective life of thought and decision lifted above the cheap and degrading influence of fear" (*The TVA*, p. vi).

With regard to the personnel program, Mr. Case's slim volume of thoughtful comment should be required reading of all students of public personnel administration, and greatly rewarding for all students of public affairs. On the more general matters concerning which ^{the} TVA is still a controversial symbol, Mr. Clapp's lectures state the case for TVA and for a positive national power policy in a persuasive, even compelling, fashion.

YORK WILLBERN.

University of Alabama.

Great Cities of the World: Their Government, Politics and Planning. EDITED BY WILLIAM A. ROBSON. (New York: The Macmillan Co. 1955. Pp. 693. \$10.00.)

In its recent report, the Commission on Intergovernmental Relations stated that "the metropolitan areas of the United States are the most important focal

points for intergovernmental relations." This, of course, is not a new development. It was noted long ago by Frank J. Goodnow in his *Municipal Problems* (1897) and has been discussed by succeeding generations of American political scientists. It is of concern not only to political scientists but to social scientists in general, as the Columbia University Bicentennial Conference volume, *The Metropolis in Modern Life*, so well indicates.

The problem of metropolitan government is obviously not peculiar to the United States but is found in many other countries. However, it has hitherto not been thoroughly examined on a broad, comparative basis. *Great Cities of the World* aims to fill this gap. Its editor, William A. Robson, is a distinguished British political scientist, who has taught for many years at the London School of Economics and Political Science, and who was elected President of the International Political Science Association in 1952. The book begins with a lengthy general analysis of "The Great City of Today," written by the editor. It is followed by 18 chapters dealing with 20 cities in 15 countries.

In view of his previous publications on the subject, it is not surprising that the excellent chapter on London is by Professor Robson himself. Americans will read with interest Rexford Guy Tugwell on New York, Robert A. Walker on Chicago, and Winston W. Crouch and Dean E. McHenry on Los Angeles. There is a fine treatment of Paris by Brian Chapman, whose *Introduction to French Local Government* is a "must" for students of local institutions. While the usual chapter pattern centers on a single city, Bombay and Calcutta are discussed together and the same is true of Montreal and Toronto. This affords an opportunity for enlightening comparisons and contrasts within the framework of the chapter.

The volume is handsomely produced with numerous full-page photographs as well as maps, diagrams, a select bibliography on each of the cities covered, and an index. In the preface Professor Robson refers to the nearly five years of labor which went into the undertaking. One can sympathize with the editor in his endeavors to secure uniformity of analysis and presentation among diverse contributors and among cities as different as Moscow, Buenos Aires, Wellington, and Zürich. He may not have reached all of his original goals but he has pioneered in "a somewhat new type of multi-national research project" on a topic of universal importance.

In his general analysis, Professor Robson summarizes metropolitan governmental problems under five interconnected headings: (1) organization of areas and authorities; (2) popular interest and democratic participation; (3) efficiency of the municipal services; (4) finance, "the Achilles heel of the metropolis"; and (5) planning the metropolitan region. Under the first point, the editor argues for "federalism" or, as he puts it, "a two-tier system of local government." He writes: "There are substantial advantages in establishing a major authority for the planning, co-ordination and administration of large-scale functions, while leaving all the purely local services to a lower tier of minor authorities" (p. 63). The general metropolitan government should absorb the many *ad hoc* authorities and thus end the "Divide and Misrule" maxim "which

legislators have hitherto followed in devising the constitutional organization of many great cities" (p. 99). "Metropolitan government cannot rest entirely on indirect election if it is to be satisfactory from a democratic standpoint, although a combination of direct and indirect election may have certain advantages" (p. 38). In addition to what he has to say about local representative bodies, there is a full discussion of possible types of executive organization.

Space does not permit consideration of the other four points, each of which is given an incisive analysis. For example, under planning, the editor states: "It is now clear that effective planning of a metropolis is impossible unless a limit is placed on its maximum size and population. The essential instrument for enforcing this limit is control over the location of industry" (p. 103).

Unlike Lewis Mumford and other critics, Professor Robson is a friend of the great city of the present and of the future, particularly as the future may be shaped by intelligent human action. Twenty-five years ago in *The Government of Metropolitan Areas in the United States*, Paul Studenski observed that "the government of metropolitan areas constitutes a sturdy challenge to American political ingenuity." Robson's book shows that the challenge is not limited to one country but is world-wide in character. The editor and his collaborators are to be congratulated for their stimulating and scholarly contributions to the needed political ingenuity.

ROGER H. WELLS.

Bryn Mawr College.

Representative Government in Greek and Roman History. By J. A. O. LARSEN. (Berkeley: University of California Press. 1955. Pp. vi, 249. \$4.00.)

Recently there has been considerable revival of interest in the history, and above all in the theory, of representation. That interest lends timeliness to this work of Professor Larsen, which is the culmination of a lifetime of research and reflection on its title theme, a topic that already became his central scholarly concern as a young man.

The work is therefore one of thorough scholarship. It reveals careful and informed judgment on controversial questions. While it is reliable and thorough, it is primarily a work in classical archeology and history, even though its topic is in the realm of political science. It may therefore prove unduly technical for the political scientist whose interest in representation is in its general theory or its contemporary institutional reflections. Indeed, even for the historian of political theory, unless he has a major concern with Greek thought and its background in the practice of classical and pre-classical Greek government, this book cannot be deemed compulsory reading.

What is more, especially for the early Greek tribal period, the inscriptions available are few, and often have to be construed without context or further knowledge about the relevant governmental practices which would make the task of interpretation easier. Indeed, Professor Larsen emphasizes these difficulties, the range of our ignorance, and the dangerous imperative of intelligent guesswork by those learned in his craft. For the whole period, moreover, records

are so incomplete as to make full and certain descriptions of the total practice of representation and an assessment of its position and role in the general scheme of things less than sure. Even judgments as to the role of assemblies in the late Roman Empire, their relation to imperial absolutism, and the reasons for their relative failure, are necessarily tentative. For the early Greek period, the job, which Professor Larsen manfully tackles, is to build bricks with very little straw, which leads only to very tentative, conjectural, and not completely convincing results.

Nevertheless, Professor Larsen's work does have real significance for the political scientist, and particularly the theorist and historian of theory, by reason of certain points he makes. First of all, his book should dispose once and for all of that generalization, long known to have been untrue yet never fully scotched and still repeated in some texts, that the early Greeks knew nothing of representation. What is clear from Professor Larsen's researches is that some of the possibilities of representation were known and utilized very early, indeed well before the classical period and the great philosophers; and that, though its practice underwent a period of decline and partial abandonment, representation had a fairly continuous history through classical times.

Secondly, the major enemy of representative institutions in classical Greece, Professor Larsen argues, was direct democracy. Its spread, and attachment to it as ideal, proved inimical to earlier established and promising practices, and was not inconceivably responsible for the failure of representative government to grow and spread and achieve new uses, and so to become a foundation for a different and more rapid development of popular government than later history actually records.

Thirdly, Professor Larsen's book shows the degree to which the theory and practice of representation emerged from the problems of interrelations between Greek peoples, between tribes and cities, and was found especially useful as a device for creating participation and control either in permanent alliances or in federations. Indeed, with the Greeks representation was especially relevant to federal states. It should, however, be noted that the federal states to which Larsen refers differ very considerably from contemporary definitions of what constitute federal unions. He distinguishes, to be sure, between different situations and arrangements which in a very loose way seem to correspond to our modern concepts of confederation and federation, but it is hard to avoid the impression that even the most thorough-going of these lasting alliances in pursuit of shared interest through common institutions was closer to confederation than to a federal state. In the late Hellenistic period and in the service of Roman imperial policy under the Republic and Empire such federations continued to function, apparently in large part as administrative conveniences from the point of view of the imperial power: they diminished the number, and increased the range, of areas and subordinate governments to be dealt with. In the late Empire, too, federations played a different, and partly independent though distinctly subordinate, role at the circumference of the Empire.

But, fourthly, the vital point is that throughout these so-called federal un-

dertakings there was participation by the members in governing and policy-making assemblies of one sort or another. Usually there were regular meetings; and these assemblies were based on representation which was something more and other than representation of individual governments as units. The memberships of aristocracies or democracies were represented.

Larsen indeed emphasizes that representation did not always mean, and does not necessarily mean, popular representation. Often early representation was on a much more limited base. Sometimes it was deliberately devised to prevent, or to offer an alternative to, democracy; and sometimes, as in its later role in Roman provincial municipalities, it was a technique by which the local aristocracy assured continuous control of local government, to be operated in its interest. Such assemblies might, of course, have been both less efficient and less serviceable to the town and surrounding country and their welfare than would have been bureaucratic control from the center.

In any event, Professor Larsen insists, the ancient world failed fully to adopt and develop representative government, which might have been a road to its salvation, by which he presumably means its stability and endurance. For in the end the strong man was more successful as a ruler and did more for the effective development of administration. Only in small states did representative government ever really flourish. Nevertheless, Professor Larsen argues that the miracle is that representative government was tried at all, particularly in view of the difficulties in communication and in creation of an effective popular opinion. Moreover, given institutional developments and social forces differing but slightly in content, strength, and interplay from what we know or can guess actually happened, it might have revived and flourished.

With these general propositions I fully agree, and Professor Larsen's work partly illustrates the ultimate usefulness of what was on the surface initially useless knowledge consequent on researches pursued solely from scholarly curiosity. Nevertheless, I question whether his interpretations are as significant as they might have been. Manifestly, he could not and should not have written a hypothetical history of what might have happened had representation proved more successful and become the dominant basis of political institutions in the ancient world. Yet one is left uncertain as to what he thinks would have been the consequences for our own time and for the intervening centuries of such success. Would it have prevented the decline and fall of Rome? How would it have affected the impact of Christianity? Would it have made a difference in the institutional life of the so-called Dark Ages and of the high Middle Ages? Would a royal absolutist state have been avoided? Perhaps these questions, as the question of what song the siren sang, are beyond answering. But if they are, I would, for one, argue that we must therefore uncritically upset the history that was as necessary.

Rather more seriously Professor Larsen, though clear in his ardent commitment to representative government, at no point makes fully explicit his concept of its values and its functions, nor yet again of its limitations. Hence his final assessment is somewhat lacking in force and precision, and does not provide

us, quite apart from the limitation of the evidence, with effective bases for a broader perspective and a less parochial approach. We gain new information, which by its inescapable incompleteness is inevitably irritating; we do not gain much fundamental insight into lasting or recurring problems or into the significance of the theory and practice of representation in the whole sweep of Western culture, and the fault does not lie entirely with the available records.

THOMAS I. COOK.

Johns Hopkins University.

Britain—Uneasy Ally. BY LEON D. EPSTEIN. (Chicago: The University of Chicago Press. 1954. Pp. viii, 279. \$4.00.)

Perhaps at no time in our history has it been more important for Americans to understand the British response to our foreign policy. Mr. Epstein has performed a useful service in surveying the unofficial attitudes expressed by various groups in Britain with respect to our stand on international affairs in the postwar years 1945–52.

The author is not concerned to determine the opinion of the man in the street on American policy, but the opinion of the more articulate sectors of British life. His sources are parliamentary debates, party and trade union conferences, partisan books, pamphlets, newspapers, and magazines. He has also consulted politicians, journalists, and scholars who were interested in his field of inquiry.

The author finds, of course, that the British have been greatly disturbed over our policy in the Far East, and are fearful that we may precipitate a Third World War by our support of Chiang against Red China, or by our sheer lack of experience in world leadership. He points out, too, that the British naturally feel especially sensitive to any actions of ours which seem provocative, in view of their vulnerability to the hydrogen bomb. But he also shows that the men who make up the great middle ground in British policies, above all the leaders and the rank and file of most trade unions, are thoroughly aware that Britain must support America on the crucial issues of Western defense, for otherwise Britain stands in grave peril from Soviet power.

Mr. Epstein demonstrates that the articulate objections to American foreign policy increase as one moves from right to left in British politics, and are strongest in the Bevanite movement. The author is most effective in revealing how outmoded socialist stereotypes of capitalism blind Bevan and his followers to the realities of American economic and political life, and impair their grasp of American policy.

The future historian will find that Mr. Epstein has provided him with valuable data for writing the story of Anglo-American relations in the postwar period. The Soviet foreign ministry will undoubtedly read Mr. Epstein with care, as will the British section of our own State Department, and the American desk of the British Foreign Office.

It is to be hoped, however, that his book will reach a wider audience than the specialist in diplomacy who is interested in British and American policy. It is to be hoped that Mr. Epstein will be read by opinion makers in both

Britain and the United States. For it is most essential that men in both nations come to a better understanding of each other, and one of the best ways to achieve this is to see how those in one nation react to the policy of the other. What we need now is a work of equal scholarship to complement Mr. Epstein's book, a work which will show the response of the American public to British foreign policy since the end of the Second World War.

BENJAMIN E. LIPPINCOTT.

University of Minnesota.

The Australian Federal Labour Party, 1901-1951. BY L. F. CRISP. (New York: Longmans, Green & Co. 1955. Pp. viii, 341.)

Communism and Democracy in Australia: A Survey of the 1951 Referendum. BY LEICESTER WEBB. (Melbourne: F. W. Cheshire. 1954. Pp. viii, 214. 25/-)

Both of these books deal with important aspects of Australian politics. But their approach is very different. Mr. Crisp is purely factual, historically descriptive, allows himself evaluation only at rare moments, and severely limits the scope of his subject. Mr. Webb, on a limited subject, is analytical, interpretive, evaluative as well as descriptive, and covers almost every relevant aspect.

The result is, for the Crisp study, that it provides an incomplete picture of the party. It gives a very thorough—sometimes too thorough for readability—historical survey of each of the essentially structural and institutional facets of the party. The party machine, the party's parliamentary instruments, the organization for political warfare, and the formal definition of the program and some attitudes on basic issues are described in their historical evolution. For anyone who wants to be informed on the history and formal aspects of these facets of the party, this book is a complete and excellent source. But for the Labor party of all parties this is an incomplete portrayal. With its explosiveness, factionalism, jealousies, colorful personalities, idealism, progressivism, reactionism, and many other contradictions, the Australian Labor party is a fascinating institution. Yet an insight into this is denied the reader of this book. Crises and struggles within the party—if they appear at all—are dryly reported in the numerical terms of a vote. To a reader who obtained his knowledge of the party from this book, the recent upheaval in the Labor party must have come as a shock and surprise, when he should have been prepared for it. For, even though the story in the book ends in 1951, such crisis periods as the present have occurred in the party's history before. An author is free, of course, to choose his own subject. But the point here is that the institutional and organizational history of the party cannot be fully understood without reference to the events which gave birth to it.

Webb's book is a study of the referendum in 1951 on whether the Constitution should be changed so that the Federal government would obtain powers denied to it by the High Court decision to deal in a variety of ways with the Communist party and communism.

Even though the referendum was on a limited issue, it was a highly signifi-

cant one because it involved most of the pleasant and not so pleasant, but always lively, aspects of Australian political life. This study of it is "of a political system in motion" and not intended as a study in depth. It follows, in general, the manner of election surveys which have been published recently in England and the United States. After giving the background—the history of the Communist party in Australia and parliamentary attempts to deal with it—the book provides full details on the referendum issue, the campaign by the parties, the churches, and other interested groups, the role of the public opinion agencies, and the results. It ends with a careful and balanced evaluation of the whole process from two viewpoints: the significance of the referendum as a political instrument and the problems for a democracy in dealing with an undemocratic movement.

Mr. Webb has taken full advantage of his opportunities. That some of his conclusions are debatable adds to the interest of the book. That little attention is paid to the possible influence upon voting behavior of the tense world situation and precedents in other countries are minor blemishes. The book is written in a lively style. And even though centered around a single issue, it gives an instructive picture of Australian politics.

WERNER LEVI.

Canberra, Australia.

Studies in Federalism. DIRECTED AND EDITED BY ROBERT R. BOWIE AND CARL J. FRIEDRICH. (Boston: Little, Brown and Company. 1954. Pp. xlii, 887. \$15.00.)

The material contained in this volume was written under great pressure during July, August, and early September, 1952 so that the *Comité d'Études pour la Constitution Européenne* might have before it in handy form an analysis of the working of federal systems throughout the world. It was hoped that the data presented might be of some use in the preparation of a constitution for the European political community. By agreement, the American experts confined themselves to an analysis of past experience and made no effort to work out particular solutions to the specific problems which confronted the Committee. The studies were consequently in no way polemic. One can readily understand therefore the real appreciation with which they were received by the Working Committee of the *Comité d'Études* and the fact that they became "an integral part of the deliberations of the Committee, serving as source material on the practice of federal states."

Divided into 16 chapters dealing with the legislature, the executive, the judiciary, defense, foreign affairs, commerce, transportation and customs, public finance, federal powers over currency, banking credits and foreign exchange, agriculture, labor and social security, personal rights, citizenship and immigration, defense of the constitutional order, overseas territories, admission of new states, and constitutional amendments, the volume is unquestionably one of the most comprehensive surveys of federal systems of government in recent years. It served as source material for the Working Committee of the

Comité d'Études. It will also serve as source material for many a lecture in many an American university.

The editors are to be congratulated upon their perception of a very real need, upon what they were able to accomplish under difficulties, and upon their optimism.

SCHUYLER C. WALLACE.

Columbia University.

The Third Reich. EDITED BY MAURICE BAUMONT, JOHN H. E. FRIED, AND EDMOND VERMEIL. (New York: Frederick A. Praeger. 1955. Pp. xv, 910. \$9.00.)

Late in 1948 the General Conference of UNESCO resolved that an authoritative study should be made of "the methods and procedures used to propagate Fascism and Nazism" in order to "make possible the identification of similar movements in the future, from the first moment of their appearance." Dr. Torres Bodet later asked Jacques Rueff (who writes the Introduction), member of the *Institut de France* and President of the International Council of Philosophy and Humanistic Studies, whether the Council would supervise the project. It did, with committees upon committees and *rapporteurs* after *rapporteurs*. "Owing to unforeseen circumstances," Fascism in its Italian matrix was omitted. The Council grappled manfully with the task of dissecting the German variant. The result is, without question, the most comprehensive, erudite, and stimulating symposium on "National Socialism" thus far published—in fact a treasure-trove of obscure facts, forgotten lore, illuminating analyses, able documentation, and, occasionally, brilliant thinking and writing.

So much said, I am moved—reluctantly, because this is in many ways a magnificent work—to carping criticisms and reservations, for this is also a singularly befuddled, incomplete, and unsatisfying volume. Twenty-seven historians and social scientists are the contributors. Eight of them present in Part One the ideological content and "background" of Naziism. Six others in Part Two deal with the party and the seizure of power. Thirteen in Part Three discuss selected aspects of the domestic and foreign policies of the Third Reich. Of this goodly company, eight are Germans (Grenzmann, Ritter, Lütge, Litt, Schokking, Kramer, Paetel, Betz), nine are Frenchmen (Vermeil, Anstett, Réal, David, Baumont, Franck, Gregoire, Harcourt, Poliakov), three are Britishers (Pascal, Taylor, and Alan Bullock, who contributes two articles), four are Americans (Schweitzer, Pachter, Fried, Klineberg), one is Dutch (Louis de Jong), and one (Birgir Forrell) is unidentified. All are competent scholars. Some are richly talented in learning and insight. Yet the knowledgeable reader will regret that a few are here who ought not to be here, and that many others who know much of Naziism are not here.

This compilation of monographs suffers from two major defects. One is that the contributors include no sociologists or psychiatrists. Fascism was and is, far more than communism, a social disease (call it "anomie," "schism of the soul," or what you will), conducive to mass neuroses, hallucinations, hysteria,

and homicidal insanity. Few psychiatrists or sociologists have adequately diagnosed the disorder. Yet their efforts deserve inclusion in so ambitious a volume as this. The other defect is that the historians, economists, psychologists, *literati*, and other ideational intellectuals here assembled all tend to over-intellectualize a movement which was a revolt against intellect. On the false principle of *post hoc ergo propter hoc*, they seek the "roots" or "causes" of Naziism in such alleged "precursors" as Hegel, Fichte, Jahn Constantin Frantz, Paul de Lagarde, Nietzsche, Stefan George, *et al.* These essays in what is usually called "intellectual history" are useful and even fascinating. But the premise is questionable insofar as it postulates that these writers somehow "produced" National Socialism instead of noting that the Nazi psychopaths, brought to power by the sickness of a whole civilization, merely seized upon whatever fragments of ideological respectability they could steal from the past to rationalize their criminal purposes.

This error was pointed out in the first systematic effort in America to describe the ideology of Naziism, published in this REVIEW in April, 1934. I subsequently wrote: "The gospel of the NSDAP is intelligible not in terms of the history of political ideas, but only as a manifestation of widespread emotional maladjustments in post-war German society." With few exceptions, the authors of *The Third Reich* have still got the cart before the horse. Even so, every student of Germany, of contemporary fanaticisms, and of the more dangerous of the disorders afflicting Western culture will learn much from these 900 pages.

FREDERICK L. SCHUMAN.

Williams College.

The Federal Government Service: Its Character, Prestige, and Problems. PREPARED FOR THE AMERICAN ASSEMBLY. (New York: Graduate School of Business, Columbia University. 1954. Pp. 189.)

This report provides us with the first major non-official study of the federal civil service since the 1935 report of the Commission of Inquiry on Public Service Personnel. The same general topics have been dealt with in officially sponsored reports by the President's Committee on Administrative Management in 1937 and the first and second Hoover Commissions in 1949 and early 1955. Examined chronologically, these studies reflect by their emphasis and the content of their recommendations the extent of our reorientation in both the theory and practice of public personnel management during the last 20 years.

The American Assembly report itself consists of two parts. The first is a series of fairly long background papers prepared for participants in the Sixth American Assembly held in October, 1954. The second is a brief final report of this meeting prepared by participants at the end of the conference. Linked though these documents naturally are, the background papers and the conference report differ in purpose and effect.

The common approach of the research papers, as given by Wallace S. Sayre who served as Technical Director for the Assembly, is that the federal service

"should be considered primarily and fundamentally from the perspective of the citizen, but . . . should be comprehensively viewed in terms of all the elements and values which the informed and effective citizen must take into account." The five research papers, designed to explore relevant topics from this point of view, deal with: the growth of the federal personnel system (Herbert Kaufman); the President, Congress, and the federal service (Herman M. Somers); political parties, patronage, and the federal service (Harvey C. Mansfield); distinguishing marks of the service (Frederick and Edith Mosher); and "modern personnel management" and the federal service (Everett Reimer). As a group, these papers are comprehensive, provocative, well-written, and up to date. They undoubtedly served their purpose in facilitating the conference; they will have a continuing value to a much wider public.

The final conference report itself is a brief but significant document, reflecting the points of agreement of about 50 participants from business, government, and the universities. One of the clearest features of this report is its emphasis on the leadership role of the President in federal personnel management, with a consequent need for more presidential staff help, less congressional intervention in details of personnel management, and opportunity for appointment of enough key officials to give firm policy control.

Other suggestions are either more novel, more controversial, or less apt to be accepted. These include recognition of an executive group in the higher civil service, with rank and compensation attached to the man rather than the job; modification of veterans' preference provisions; appointment of a citizen commission to review the loyalty-security program (since authorized by Congress); increased interchange of skilled personnel, both within the service and between the service and other governmental and nongovernmental units; and more attention to improved management of human resources in the federal service. If followed, these recommendations should contribute, as the conferees hope, "to better public understanding and to the greater prestige of public employment."

FERREL HEADY.

University of Michigan.

Freedom in Agricultural Education. BY CHARLES M. HARDIN. (Chicago: University of Chicago Press. 1955. Pp. xviii, 275. \$4.50.)

Can researchers and educators on the public payroll safely work on controversial political issues? That is the general question posed by this study. To find an answer it turns to the land-grant colleges, a good place to begin inasmuch as most education and research in agriculture in this country are government-sponsored. The author, a distinguished student of agricultural politics, was asked by the Commission on Financing Higher Education to study the question "whether federal grants to states for agricultural research and Extension had been accompanied by federal control of personnel or policy in these fields . . . for the light it would throw on the prudence and wisdom of extending federal aid to higher education generally." The study was broadened at the

author's request to include all other pressures, from whatever source, and the political role of the agricultural agencies themselves. The data were obtained primarily from interviews and discussions carried out in the course of field trips in 1950 and 1951.

It is good that the study's scope was extended; the primary question is answered so quickly and emphatically. The author's answer, amply supported, is: "Federal grants-in-aid for agricultural research and Extension have not been the means of federal political control. On the contrary, federal grants have sometimes enabled agricultural colleges to resist state and local pressure." Agricultural experience suggests to the author that "the principle of federal grants could be safely extended to assist general education."

Perhaps the lack of federal domination can be attributed to the alliance of the colleges of agriculture with those farm groups which have bitterly opposed centralization of any agricultural program. A consequence of successful decentralization has been, of course, to expose the colleges to all winds that blow from state and local quarters. But the colleges are by no means defenseless. Professor Hardin sees them as political agents themselves, vulnerable to politics but able to get much from politics. With their network of alliances the colleges protect their programs, get state appropriations, and furnish scope for the personal ambitions of their leaders. In return they support their allies—generally groups representing more prosperous farmers—against Washington, against organized labor, and even against other farm groups.

But trouble comes when research strays away from the traditional business of "making two blades of grass grow where one grew before" into controversial subjects, usually but not always in the social sciences. Sometimes group pressures are successfully resisted. More often they are forestalled by guiding research in other directions. The list of problems largely or wholly avoided is impressive: the level of price supports; farm labor problems, especially those concerning migratory labor; farm tenure; valley authorities; fertilizer politics; the relative merits of margarine and butter. And the leaders of agricultural education themselves have often decried the failure of their institutions to develop policy-oriented research.

Professor Hardin believes nevertheless that such problems can be safely investigated. The single most important condition is a qualified president. A small board that understands its role and the function of a university, an able staff, and clear policies supporting academic freedom would complete the requirements. Even a college that misses the ideal in many ways has more potential strength than it thinks. But institutional arrangements, the author is sure, never are a substitute for personal courage and integrity.

The reader may not be altogether satisfied that the agricultural college can freely conduct research on controversial problems. The author has described its political role too well for that. It is not hard to see why farm groups allied with the college should fail to comprehend pleas for freedom of research that comes out adversely to their interests; their reaction must be not unlike that of a man

whose wife suddenly claims the right to date freely. Professors never will find it easy to play in social controversy the dual roles of protagonist and objective researcher; it is a lot to expect friend and foe alike to accept both roles and keep them straight. The scholar historically has occupied the ivory tower not because he shrinks from life but because that is a way to assure the community that he is nobody's man. It is significant that the study under review was carried out by a man on the payroll of a private university.

This book is an impressive job, both for its realistic treatment of a crucial problem and its sophisticated comprehension of the complex web of state politics.

RALPH K. HUITT.

The University of Wisconsin.

Behind the President: A Study of Executive Office Agencies. BY EDWARD H. HOBBS. (Washington, D. C.: Public Affairs Press. 1954. Pp. vi, 248. \$4.50.)

It may be arguable whether the evolution of the President's Executive Office can be better described as the unfolding of a grand design or as a series of pragmatic responses to particular needs. But there can be no doubt that the Office has become a major component of our political system; and under the influence of President Eisenhower, a distinguished alumnus of the Operations Division of the Army General Staff, its formal organization and procedures, as well as those of the Cabinet, have been developed to a very fine point indeed.

Accordingly, it is high time for a full-dress, comprehensive study of the Executive Office. Such a study, ideally, would be informed not only by conventional administrative knowledge but by a sensitive feeling for the high drama of recent history. Still more important, it would be guided by some sophisticated theory of government, stated either in analytical terms (e. g., differential access to policy-making centers) or in moral terms (e. g., the need to impose longer perspectives and wider loyalties on pressure-ridden institutions).

This book does not quite attain that mark. It begins with an account of the events that led to Executive Order 8248 of 1939. Six chapters portray the origins, functions, and relationships of the Bureau of the Budget, the National Resources Planning Board, the White House Office, the Council of Economic Advisers, the National Security Council, and the National Security Resources Board. There is also a discussion of emergency mobilization agencies. The final chapter, called "The Machinery under Eisenhower," is actually devoted to the author's own recommendations. He suggests that the present overhead structure be supplemented by a number of cabinet-level committees based on "major policy nuclei, e.g. fiscal, public works and conservation, national security, welfare. . . ." The committees would neither conduct nor supervise operating programs, but would develop and analyze legislative proposals and serve as clearing houses for information. Their members would include staff and line officials and "appropriate representatives of the legislative branch." Their

secretariats would be headed by staff officers operating out of the White House and reporting to a chief of staff. The latter would also serve as executive secretary of the Cabinet and, possibly, as Director of the Bureau of the Budget.

The author has compiled much useful historical data. He appreciates the relevance of industrial, military, and foreign administrative experience. He is more aware than many professional students of administration that Congress, too, is a part of the machinery of government. Indeed, he carries this point quite far. Thus, the Senate should confirm the nomination of the Budget Director; "several key Congressmen and Senators" may well serve on the National Security Council; "representatives" of Congress should participate in the "policy nuclei" committees; and it would be "appropriate" for Congress to give these committees statutory authorization.

Although some officials were interviewed in the course of the study, major parts of the work appear to have been based largely on official reports, orders, and other documents, with some loss in realism. Thus, for example, the treatment of ODM's Labor-Management Manpower Policy Committee conveys little sense of the important political struggle that actually took place over its creation. It is also a pity that one of the jobs that most needed to be done—an analysis of the White House Office—was compressed to seven pages, a third of which were devoted to the "anonymous assistants." There is no systematic analysis of its peculiar relationships with other Executive Office agencies or for that matter, of the relationship of these agencies to the President. It is noted that the Bureau of the Budget is "near or even in the line of authority from the President to the operation units." But this point is dropped quickly and there are few observations on the interaction of the Bureau and the regular departments.

The author's prescriptions, which reflect in part the views of W. Y. Elliott, are certainly provocative. But they appear to have been appended as an afterthought, since they are not wholly in keeping with the somewhat mechanistic diagnosis with which the book begins (i.e., the President's administrative "burden" must be lightened). Indeed, a more full-bodied theoretical framework at the start might have obviated the final suggestion that "someone" should "clarify Presidential staff concepts." In short, this book will make a place for itself as a reference volume, but the real story of the Executive Office is yet to be written.

LAURENCE I. RADWAY.

Dartmouth College.

The History of the New York City Legislature. BY FREDERICK SHAW. (New York: Columbia University Press. 1954. Pp. vi, 300.)

Dr. Frederick Shaw's excellent study of the legislature of New York City, combining admirable and painstaking scholarship with a readable style, demonstrates vividly many of the problems of legislatures in American government. The book concentrates on the legislative body of the city since the consolidation of New York and Brooklyn and outlying sections into Greater New York

in 1898. Between 1851, when the first trolley franchise was granted by the Board of Aldermen of the old city, and 1898, the Board of Aldermen had become thoroughly discredited; its widely recognized corruption won it the titles "Boodle Board" and "The Forty Thieves." Neither the new charter at the time of the consolidation nor a home rule law enacted by the state legislature in 1924 improved the quality of the Board's membership or work. According to Dr. Shaw, it was not until the charter of 1937, which abolished the Board of Aldermen and created a smaller city council elected by proportional representation, that a municipal legislature worthy of the great metropolis was established. PR, he argues, not only achieved much more equitable distribution of political strength in the legislature relative to the electorate; more important, it provided a minority of sufficient size and stature to prod the continuing Tammany majority to action and to prevent the outright corruption that had been the hallmark of previous city legislatures. He musters impressive evidence to substantiate his claims.

If proportional representation is Dr. Shaw's angel, Tammany is his devil. His description and analysis of the operation of a county machine in a one-party metropolitan area will interest every student of politics, and his report on the ways in which this party controls the city legislature is revealing indeed. Yet these topics are handled with sophistication, not with the naïve and self-righteous missionary zeal of some reformers; the author recognizes, for example, the value of the neighborhood services performed by the old aldermen working for their party, and he readily admits that the void left by the disappearance of this institution under PR was never completely filled. These insights make his judgment on the desirability of PR all the more convincing; he mourns the passing of PR from New York in 1949, and his grief is understandable.

Fundamentally, however, a real problem persisted even under PR. As Dr. Shaw observes, the legislative body has steadily been losing power to the mayor and to an elected executive body, the Board of Estimate. In these institutions resides the real governmental authority in New York City. PR probably did give the city better legislators, but they were installed in an exceedingly weak chamber. We are perhaps able to improve legislatures, but we do not seem to know what role we want them to play in the shaping of governmental decisions. This dilemma emerges dramatically from Dr. Shaw's history.

One might quarrel with Dr. Shaw's basic assumption that "there is not much legislative work to do, even in a big city like New York." But it is not essential to agree with Dr. Shaw in every detail or even in his grand design to conclude that he has made a significant contribution to the literature on the legislative process and political parties, and to the still unwritten definitive history of New York City. Even those who would dispute some of his points will commend what he has done, and will refer to it many times in the years to come.

HERBERT KAUFMAN.

Yale University.

BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

Government by Investigation. BY ALAN BARTH. (New York: The Viking Press. 1955. Pp. 231. \$3.00.)

This small volume first sketches the historical background in the United States of the investigating power in the context of our constitutional system of countervailing power. It then presents in lucid and balanced fashion the current problem of congressional investigating power and practices in relation to the executive and judicial branches and the special problem of self-incrimination.

The best part of the book is a series of short studies of the congressional attack through investigations on foundations, the church, universities, and the press. By quoting extensively from transcripts of recent investigations Barth, a Washington *Post* editorial writer and author of the admirable study *The Loyalty of Free Men*, is able to impart to his book a remarkable vividness and sense of urgency. By putting his studies in a general historical context he is able to present the problem as a continuing one that arose long before and will last long after the McCarthys and the Jenners. In Barth's perspective the resistance put up by men like Oxnam, Lattimore, and Wechsler to the inquisitors stands out like a beacon light on a threatening night. The position of the Association of American Universities on invocation of the Fifth Amendment by faculty members does not so stand out, especially when compared to Harvard's position on three of its faculty who resorted to this right.

The author concludes with a plea for congressional self-restraint. He has little to offer here beyond what has been proposed many times, most notably by Will Maslow in a searching article in the *Columbia Law Review* (June, 1954). Some political scientists will not share Barth's hope that Congress will be able to restrain itself. The problem, as the author himself points out, is not simply congressional irresponsibility in general, but the tendency of a small number of inquisitorial zealots to exploit the investigating power for their own political purposes. The incapacity of Congress to restrain its own members is not a result of chance or laxness but is one more example of the failure of Congress as a whole to put its own house in order. This failure in turn re-

flects the disintegrate nature of our whole political system, which Barth praises rather uncritically. Still, he is entirely right in saying that a more informed public opinion can help keep the inquisitors in check, and his book will contribute significantly to such an end.—JAMES MACGREGOR BURNS, *Williams College*.

The American Legion and American Foreign Policy. BY ROSCOE BAKER. (New York: Bookman Associates. 1954. Pp. 329. \$4.75.)

The American Legion is topped in membership by only a few organizations in this country. Although by declaration "nonpolitical," it maintains lobbies which can whiplash state legislatures and the Congress. In recent years, its national program—ranging from veterans' benefits to foreign affairs—has been supported by more than \$100,000 annually, a sum which has placed the Legion among the most lavish spenders of the Washington lobbies.

Roscoe Baker treats the foreign policy program of the Legion under a number of topics—Americanization, immigration and naturalization, anti-communism, defense, isolation and neutrality, South America, and international cooperation—and records chronologically the official policy on each. He describes the Legion's attitudes and lobbying activities in the period between the wars and in the postwar years, with passing references to American official policy. He documents the constructive program of citizenship and attempts to set up something like a boxscore of successes and failures in making Legion policy U. S. policy.

While the author has done a thorough piece of research in the documents and publications of the Legion and has combed newspapers and congressional hearings, he has written only a partial account of the Legion as a pressure group in foreign policy. He has made no use of unpublished Legion archives or of the papers of its leaders or of interviews with Legion officers. His account of organization, for example, sketches merely the formal structure. Except for an occasional reference to national convention scenes when differences in policy aroused controversy, there is little about how Legion policy was reached, who was responsible for its genesis, or what factors underlay its formulation. Little is presented to show the

interplay between the Legion's leadership and the national executive or how Washington officialdom tried to utilize the Legion as a channel for the propagation of administration policy or how the administrative officials sought to modify Legion policy.

In spite of the author's goal of impartiality, his failure to present his materials in the proper frame of reference or to relate his subject fully to the times results in a lack of objectivity. This is especially true of his discussion of the Legion's stand on communism. For example, he avoids evaluation of the threat to civil liberties posed by Legion policies. He does give a more balanced account of the Legion's stand on neutrality, disarmament, international cooperation, and defense.

The work is useful for reference. Furthermore, it illustrates the potential for constructive action by a citizen organization on the problem of U. S. involvement in world affairs.—VICTORIA SCHUCK, *Mount Holyoke College*.

The Political Writings of Thomas Jefferson: Representative Selections. EDITED WITH AN INTRODUCTION BY EDWARD DUMBAULD. (New York: The Liberal Arts Press. 1955. Pp. xlii, 204. Paper 90¢, Cloth \$2.25.)

This volume in the American Heritage Series contains a carefully selected and integrated set of writings of Thomas Jefferson. The material is arranged under six headings: (1) "The Fundamentals of Rightful Government"; (2) "The Blessings of a Free Government"; (3) "Government Founded on the Will of the People"; (4) "The Value of Constitutions"; (5) "The True Principles of the United States Constitution"; and (6) "The Great Family of Mankind." The following documents and writings listed under the first heading illustrate the character and adequacy of the sources used: The Declaration of Independence; Jefferson's Draft Constitution for Virginia; A Summary View of the Rights of British America; Statute of Virginia for Religious Freedom as Drafted by Jefferson; Jefferson's Views on Freedom of Religion; Ordinance of 1784 as Reported by Jefferson; First Inaugural Address; and four significant letters.

As a whole the volume presents the most available and useful material for the study of Jefferson's political philosophy to be found in print. It does what Jefferson never did himself. It integrates his philosophy into a complete and systematic basis for a governmental system.

In addition to the source material, which is the primary feature of the volume, there are a 30-page introduction, several pages of bibliography, and notes on the text which contain interesting and illuminating comments and suggestions of the author, who by previous writings had established himself as an authority on Jefferson's philosophy of government. The volume merits an extensive use in the study of the political and constitutional principles of the greatest of our American Founders. As a matter of fact, Jefferson's philosophy is broader than the basis for a governmental system. It is the foundation of the American way of life.—C. PERRY PATTERSON, *University of Texas*.

Notes on the State of Virginia. BY THOMAS JEFFERSON. EDITED BY WILLIAM PEDEN. (Chapel Hill, N. C.: University of North Carolina Press. 1955. Pp. xxv, 315. \$5.00.)

A carefully edited edition of Jefferson's famous work, first published in English in 1787, with his later handwritten insertions included either in the text or as footnotes. The editor's explanatory notes are helpful in interpretation of the text. This is the first modern edition, separately printed, which is available to the general reader.

Preliminary Check-List of Tennessee Legislative Documents. BY THE STATE LIBRARY DIVISION, TENNESSEE STATE LIBRARY AND ARCHIVES. (Nashville. 1954. Pp. [26].)

The check-list is in three sections (session laws, legislative journals, and collected public documents). Each section has the convenient feature of the assignment of a serial number. In the final edition, it is hoped that the original manuscript records in the Tennessee Archives can be included. While the thought is expressed that the check-list might stimulate "the publication of more definitive works on Tennessee legislative history," the check-list is in itself an expression of the increasing interest in basic state documents, and points the way to this and similar work that needs to be done to identify the basic state documents, and make them more readily available for use.—J.B.C.

The County Court in North Carolina before 1750. BY PAUL M. McCAIN. (Durham, N.C.: Duke University Press. 1954. Pp. vi, 163. \$2.50.)

A study of the jurisdiction and administrative powers of the county court, the principal institution of local government in North

Carolina until 1868, "from its inception under the Proprietors as a precinct court down to 1750, when its organization and powers had become relatively fixed and stable."

Church & State: The Struggle for Separation in New Hampshire, 1630-1900. BY CHARLES B. KINNEY, JR. (New York: Bureau of Publications, Teachers College, Columbia University. 1955. Pp. vii, 198.)

An historical account of the efforts in New Hampshire to separate church and state. Among the subjects discussed are the struggle between the Puritan theocracy and other religious sects, the movement toward toleration, the struggle for constitutional change, and the conflicts with respect to public education.

Our Yankee Heritage: New England's Contribution to American Civilization. BY CARLETON BEALS. (New York: David McKay Co., Inc. 1955. Pp. 311. \$4.00.)

An enthusiastic account by a well-known writer of New England's contribution to American civilization, told in terms of the men who represented or largely shaped this contribution.

Valley of Democracy: The Frontier versus the Plantation in the Ohio Valley, 1775-1818. BY JOHN D. BAERNHART. (Bloomington: Indiana University Press. 1953. Pp. x, 338. \$5.00.)

An analysis and defense of Frederick Jackson Turner's frontier thesis with illustrations drawn from the early history of the Ohio Valley.

U. S. Military Doctrine: A Study and Appraisal. BY DALE O. SMITH. (New York: Duell, Sloan, and Pearce; Boston and Toronto: Little, Brown and Company. 1955. Pp. xiii, 256. \$3.50.)

General Smith attempts in this book a summarization of military doctrine based on historic experience and the present position of the United States. The author maintains that despite the necessity for improvisation and elasticity in the application of military concepts, there are four basic doctrines which in combination insure a firm foundation for our national defense. General Smith feels that the recognition of these principles is now being evidenced by the executive branch of our government and that the military are at long last being accorded proper recognition. The book is favorable to the Air Force point of view

and is informative as an explanation and defense of that position.

The Army Air Forces in World War II. Volume VI: Men and Planes. EDITED BY WESLEY FRANK CRAVEN AND JAMES LEA CATE. (Chicago: University of Chicago Press. 1955. Pp. lii, 807. \$8.50.)

The first five volumes of this series dealt with combat activities of the Army Air Force in World War II. This volume deals with the internal organization and administration of the Army Air Force and specifically with such problems as logistics, procurement, training, and bases.

Defending "The Bill" against Metal Houses. BY WILLIAM K. MUIR, JR. (University, Alabama: University of Alabama Press. 1955. Pp. ii, 35.)

In this latest case in the Inter-University Case Program series the move to transfer surplus, pre-fabricated, cheaply constructed, and rapidly deteriorating housing units into a section of New Haven populated by skilled and unskilled workers of varied racial origins produces protest which is revealed in personal political activity and community organization that win a majority of the aldermen and a reversal of administrative position.

The Government of Dallas County, Texas. BY JOHN M. CLAUNCH. (Dallas: Southern Methodist University Press. 1954. Pp. xii, 201. \$4.00.)

A descriptive study of the establishment, organization, and functioning of the government of Dallas County, Texas, with a summary discussion of the trends in the reconstruction of county government in the United States.

Introduction to the Study of Public Administration. BY LEONARD D. WHITE. (New York: Macmillan. 4th ed. 1955. Pp. xx, 531. \$6.00.)

A general revision of this text within the framework of previous editions. It contains no startling innovations, but it does represent the results of a continuous refinement of patterns and ideas by Professor White over a period of more than 30 years.

American Democracy in Theory and Practice: The National Government. BY ROBERT K. CARR, MARVER H. BERNSTEIN, DONALD H. MORRISON, RICHARD C. SNYDER, AND JOSEPH E. MCLEAN. (New York: Rinehart & Company, Inc. Rev. ed. 1955. Pp. xxix, 917. \$6.00.)

A thorough revision and rewriting of a basic text in American Government.

American State Government and Administration.

By AUSTIN F. MACDONALD. (New York: Thomas Y. Crowell Co. 5th ed. 1955. Pp. xv, 653. \$6.00.)

An extensive revision of this text.

State and Local Government in the United States.

By AUSTIN F. MACDONALD. (New York: Thomas Y. Crowell Co. 1955. Pp. xvi, 621. \$6.00.)

A new textbook which seeks to balance the treatment of state and local problems.

Problems in Freedom. By PETER BACHRACH. (Harrisburg, Penn.: The Stackpole Co. 1954. Pp. 468. \$5.00.)

A useful text for undergraduate courses on civil rights, built mainly around leading cases but with inclusion also of some other materials and of topical introductions. There is some coverage of most of the issues debated in recent years.

National Security and Individual Freedom. By JOHN LORD O'BRIAN. (Cambridge, Mass.: Harvard University Press. 1955. Pp. 84. \$2.00.)

These two Godkin Lectures are a brief appeal for preservation of traditional liberties in a period of concern for national security.

The Big Business Executive: The Factors that Made Him, 1900-1950. By MABEL NEWCOMER. (New York: Columbia University Press. 1955. Pp. xii, 164. \$4.00.)

A study of the top management of the largest corporations from 1898 to 1953, giving data on their selection but more largely on "the training, experience, and family background of the chief executives, and how they rose to the top." There are 62 tables of statistical data and much perceptive comment about trends and the nature of modern business management.

Labor Disputes and Their Settlement. By KURT BRAUN. (Baltimore, Md.: The Johns Hopkins Press. 1955. Pp. xvi, 343. \$6.00.)

An analysis of mediation and arbitration in the United States, considered against the background of the development of labor conflict and supplemented by a brief discussion of the German labor courts system.

Minimum Price Fixing in the Bituminous Coal

Industry. By WALDO E. FISHER AND CHARLES M. JAMES. (Princeton, N. J.: Princeton University Press. 1955. Pp. xxxi, 523. \$10.00.)

An exhaustive analysis of experience with price fixing under the Bituminous Coal Act of 1937, with approximately one-third of the text given to appraisal. A postscript on recent developments is added.

Public Policies toward Business. By CLAIR WILCOX. (Chicago: Richard D. Irwin, Inc. 1955. Pp. xix, 898.)

Designed as a text for "courses in economics and political science dealing with public policy toward business enterprise." It purposely excludes fiscal, monetary, international trade, and labor policies, but includes exceedingly comprehensive and thorough treatment of "maintaining," "supplementing," and "moderating" competition, substitutions of regulation for competition, and public enterprise. Very complete in its citation and use of economics sources, less complete in its use of sources and analysis of problems from the political and administrative side.

CURRENT RESEARCH ON JOSEPH STORY

There has been a significant revival of interest in the United States, and elsewhere, in the life and writings of Supreme Court Justice Joseph Story. A number of independent research studies involving the Story manuscripts and other materials have been undertaken recently at Columbia University, Harvard University, the Supreme Court Library in Washington, the University of Brazil, and the University of California (both in Berkeley and in Los Angeles). The purpose of these studies has been to construct a statement of Justice Story's life and work, to compile an exhaustive bibliography of his writings, to translate into English his foreign language articles on American law, to identify and to reproduce his anonymous law articles, and to summarize the influence of his ideas on American and foreign law.

Professor Henry Steele Commager at Columbia is writing a biography; Professor Kurt H. Nadelmann, formerly at the University of California at Berkeley and now at Harvard, has published the translations of Story's German and French articles on American law;¹

¹ See, Nadelmann, "Joseph Story's Sketch of American Law," *American Journal of Comparative Law*, Vol. 3, pp. 3 ff. (Winter, 1954);

Supreme Court Librarian Helen Newman, as a part of her manuscript bibliography of Supreme Court Justices, has prepared the list of over 150 items written by or about Story;² Professor Haroldo Vallado at the University of Brazil has published the study of Story's influence on the development of conflict of laws in the Latin American countries;³ and the writer, using the materials available at the University of California at Los Angeles, has compiled and edited Story's anonymous law articles from the first edition of the *Encyclopedia Americana* (1829-1833). These law articles, which are known as THE JOSEPH STORY SERIES, are being published in various law reviews and legal journals in the United States.⁴ These are the principal investigations of the Joseph Story materials which are either underway or for which results were disclosed during the past year.⁵

Nadelmann, "De l'organisation et de la jurisprudence des Cours de Justice aux États-Unis d'Amerique, par M. Joseph Story," *Boston University Law Review*, Vol. 30, pp. 382-94 (June, 1950).

² Typewritten list entitled *Joseph Story, 1779-1845*, 6 pp.

³ See Vallado, "The Influence of Joseph Story on Latin American Rules of Conflict of Laws," *American Journal of Comparative Law*, Vol. 3, pp. 27 ff. (Winter, 1954).

⁴ Published already are: "Joseph Story's Anonymous Law Articles," *Michigan Law Review*, Vol. 52, pp. 869-84 (April, 1954); "Three Essays on the Law by Joseph Story," *Southern California Law Review*, Vol. 28, pp. 19-32 (Dec., 1954); "Joseph Story's Essay on Natural Law," *Oregon Law Review*, Vol. 34, pp. 88-105 (Feb., 1955); "Joseph Story on Capital Punishment," *California Law Review*, Vol. 43, pp. 76-84 (March, 1955); "Joseph Story's Essay on Domicil," *Boston University Law Review*, Vol. 35, pp. 215-24 (April, 1955); "Joseph Story's *Encyclopedia Americana* Law Articles," *Law Library Journal*, Vol. 48, pp. 117-35 (May, 1955); "Joseph Story on the Common Law Rules of Evidence," *Vanderbilt Law Review* (Dec., 1955). All of the remaining articles in THE JOSEPH STORY SERIES are in manuscript form and will appear in various issues of the *Law Library Journal* during the coming years.

⁵ A comparative study of the views of Lord Mansfield and Justice Story on the conflict of laws is being prepared by Professor William R. Leslie at the University of Michigan. Note

It has been more than 100 years since a biography was written on the life and work of Joseph Story. The two-volume work entitled *The Life and Letters of Joseph Story*, published in 1851 by William Wetmore Story, is insufficient—it consists, for the most part, of a chronological arrangement and printing of Justice Story's correspondence, but many important letters are omitted and there are a number of significant gaps in the other materials.⁶ The volume known as *The Miscellaneous Writings of Joseph Story*, published in 1852 also by William Wetmore Story, is simply a collection of speeches and writings published elsewhere. Most of the papers contained in this volume are also reprinted in a previous collection which was prepared in 1835 by Justice Story himself.⁷ The law review articles deal mostly with Story's contributions to specialized areas of the law. An adequate account of the life and work of Supreme Court Justice Joseph Story has, therefore, never been written.

A large part of Justice Story's life was devoted to writing about the law. His son, William Wetmore Story, declared:

"In quantity, all other authors in the English Law, and Judges, must yield to him the palm. The labors of Coke, Eldon, and Mansfield, among Judges, are not to be compared to his in amount. And no jurist, in the common law, can be measured with him, in extent and variety of labor."⁸

Justice Story's most productive period, insofar as legal treatise writing is concerned, was the years from about 1830 until his death in 1845. In these 15 years, he published nine

also William R. Leslie, "The Influence of Joseph Story's Theory of the Conflict of Laws on Constitutional Nationalism," *Mississippi Valley Historical Review*, Vol. 35, pp. 203-20 (Sept., 1948).

⁶ Only four of the 46 Joseph Story letters deposited in the Francis Lieber Manuscript Collection, Henry E. Huntington Library, San Marino, California, are included in this work. These unpublished Story letters are being edited by the writer and Professor Mortimer Schwartz of the University of Oklahoma. They will be published shortly in a small volume entitled *The Story-Lieber Letters* (1829-1845).

⁷ See, Joseph Story, *Miscellaneous Writings, Literary, Critical, Juridical, and Practical* (Boston, 1835).

⁸ *The Life and Letters of Joseph Story* (Boston, 1851), Vol. 2, p. 567.

major treatises or commentaries on the law⁹ and a series of 18 anonymous law articles in the first edition of the *Encyclopedia Americana*. Some of the latter have been found to contain material outside the scope of Justice Story's best-known writings; others are in the nature

of restatements or interpretations of Blackstone's discussion of the same topics; all are of value in completing the record of Joseph Story's influence on law and political thought. —JOHN C. HOGAN, *The RAND Corporation*.

SELECTED ARTICLES AND DOCUMENTS ON AMERICAN GOVERNMENT AND POLITICS

FRANKLIN L. BURDETTE

University of Maryland

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FOREIGN AND COMPARATIVE GOVERNMENT

The Prefects and Provincial France. By BRIAN CHAPMAN. (London: George Allen & Unwin, Ltd. 1955. Pp. 246. \$4.25.)

The English author of the *Introduction to French Local Government* has followed up his earlier work with a book explaining "in outline the law and practice of the prefectural system as it now exists." The subject is treated comprehensively for the first time; while students of France have a passing acquaintance with the familiar figure of the prefect, relatively little has been known about his exact position and still less has been known about the lower ranks of the prefectural corps.

The book is divided into five chapters. The first chapter is an historical summary of the role of the corps. The second chapter briefly describes the prefect's formal powers, functions, and relations to other officials. The next

three chapters deal in turn with the three ranks of the corps, the chef de cabinet, the sub-prefect, and the prefect, a procedure designed successfully to present a cumulative picture of the administrative machinery the prefect directs.

In the last and longest chapter, Mr. Chapman shows that the tasks of the prefect are varied, difficult, sometimes conflicting, and often unpredictable. The prefect occupies a unique position at the crossroads of politics and administration and of local and national government, and he deals with elected and administrative officials on the communal, departmental, and national levels, as well as with the public. Consequently, he not only exercises power and influence in his own right, but is subject to a variety of interests and pressures which necessarily affect the conduct

of his office. These and other aspects of the prefect's position are skillfully analyzed, and the reader will find much interesting information about such matters as the appointment of prefects, the composition of the corps, and the part that the prefect can play in settling industrial disputes and in "calculating" elections.

Mr. Chapman concludes on two notes. The first is that "an observer might think that the Prefectoral Corps is a body of men of which the French could, with one or two reasonable reservations, be justifiably proud." The second is that because of the prefectural system there may be less administrative centralization in France than is often believed. Mr. Chapman states that in Great Britain the growth of national services has resulted in a transfer of powers from local to national authorities because of the lack of adequate administrative machinery at the local level, while France may be able to avoid extreme centralization because it has such machinery in the prefecture.

The accumulation of powers by a national official operating locally is not in itself a virtue, of course; it becomes one only if those powers are exercised in accordance with local needs and desires. Mr. Chapman rightly makes no claim that the French system fully displays this virtue. His book suggests, however, that some measure of local control over the prefect is achieved through informal methods. The prefect is not legally responsible to any local elected body, but he lives among the people of his administrative area, he cannot assume the anonymity of the ordinary bureaucrat, and it contributes to the successful conduct of his office if he maintains good relations with the elected local authorities and the members of Parliament from his department. It would be interesting and useful to have more information on the extent to which the prefect responds to local desires in his administrative capacity. One hopes that Mr. Chapman is preparing the book on the French administrative system to which his excellent work seems to be leading him next.—ROY PIERCE, *Smith College*.

European and Comparative Government. By ROBERT G. NEUMANN. (New York, Toronto, and London: McGraw-Hill Book Company, Inc. 2nd ed. 1955. Pp. xiii, 818. \$6.50.)

This widely used textbook retains the form and structure of the first edition, which was issued in 1951; it includes Britain, France,

Germany, Russia, and a fifth section devoted to a functional or comparative analysis. But the work has been brought up to date and many parts have been re-written; within the sections this has meant some important shifts of emphasis. The historical introductions have been retained but have been somewhat shortened to compensate for the more detailed treatment of political parties.

Annuaire Européen, Vol. 1. PUBLIÉ SOUS LES AUSPICES DU CONSEIL DE L'EUROPE. (The Hague: M. Nijhoff. 1955. Pp. xxv, 584.)

The work is jointly edited by B. Landheer and A. H. Robertson, partly in English and partly in French. In the main the first volume covers the period 1948–1953, with the second volume to cover 1954. The material relates particularly to the O.E.E.C., the Council of Europe, the European Coal and Steel Community, the Brussels Treaty Organization, and the Northern Council, and to the following specialized organizations: Conference of Ministers of Transport, Conference on Agricultural Markets, and the Organization for Nuclear Research. There is a considerable bibliographical section.—J.B.C.

Australian Government and Politics: An Introductory Survey. By J. D. B. MILLER. (London: Gerald Duckworth & Company, Ltd. 1954. Pp. 249. 15s.)

Here is a long-needed volume designed to acquaint the student with the structure and working of Australian government as a whole. Although a number of specialized studies have been made of various elements of the Australian system, this is the first effort to encompass the entire system in a single work. Not that the whole story is told; obviously much has had to be omitted. But here at least is an effort to see and describe the entire system and to present it in usable form to the conscientious but busy reader. The volume is of modest size, which is a pity and which has made the author's task the more difficult. But he has performed it well and the result is highly useful. Indeed, it is surprising how much he has managed to include—the cultural and historical background, the federal system, parliament and parties, politics and administration, local government, even foreign affairs. Well written, temperate, and scholarly, Mr. Miller's book deserves a place on the "required" list.—W.S.L.

British Government, 1914–1953: Select Docu-

ments. By G. H. L. LE MAY. (London: Methuen & Company, Ltd. 1955. Pp. xvi, 416. 25s.)

Here is a worthy attempt to do for the recent years of British politics what others have done for the past. The collection includes more than 100 documents—statutes, white papers, excerpts from Hansard, court decisions, party conferences, and more besides. It represents a prodigious effort by the editor and will be both interesting and highly useful to all students of modern British governmental affairs.

General Election, May 26, 1955: List of Candidates. (London: The Press Association, 1955. Pp. 120. 17s./6d.)

The 630 constituencies for England, Wales, Scotland, and Northern Ireland are arranged in alphabetical order. Five have been added under the redistribution scheme approved in 1955; 410 constituencies have not been changed. There are about 34,880,968 names on the electoral rolls.—J.B.C.

France Against Herself: A Perceptive Study of France's Past, Her Politics, and Her Unending Crises. By HERBERT LUETHY. (New York: Frederick A. Praeger. 1955. Pp. xi, 476. \$6.50.)

The publisher has served the English-reading students of French politics well in providing them with an English version of this book which had been first published in German in Switzerland under the expressive title *Frankreich's Uhren gehen anders*. Combining a well-rounded erudition in French history with 10 years of his own observations in France proper, the author, a Swiss political commentator, unfolds the massive panorama, complex and often distressing, of France's society, her politics and economics to the end of 1953. Although he finds France to be rather a "confusing and unintelligible jumble of contradictions," he searches again and again for reasons for the French political and economic stagnation and *immobilisme*. He seems to find the chief explanation in the French personality which "clings with the greatest cunning and tenacity to its habits, including its bad habits." Despite a definite pessimistic overtone, Mr. Luethey does find that since 1954 "forces of a slow, organic regeneration . . . have been at work beneath the stagnant surface."—E.T.

Le Régime Politique Français. By FRANÇOIS GOGUEL. (Paris: Éditions du Seuil. 1955. Pp. 138.)

After briefly summarizing the basic features of the parliamentary régime of the Third Republic, the author describes in a series of short chapters the governmental system of the Fourth Republic, in terms both of its constitutional framework and of actual practice as affected by various extra-constitutional factors, such as pressure groups and French political and economic habits. In a concluding chapter he suggests three main ways in which the system could be improved: (1) the abandonment of the proportional electoral system in favor of a majority system permitting electoral associations of parties in the run-off election; (2) unconditional power to dissolve the National Assembly; and (3) certain changes in the parliamentary procedure, in particular with regard to the committee system.

Le Travail Parlementaire: En France et à L'Étranger. By FRANÇOIS GOGUEL, WITH THE AID OF GEORGES GALICHON, DOROTHY PICKLES, MURRAY S. STEDMAN, AND P.-H. COEYTAUX. (Paris: Presses Universitaires de France. 1955. Pp. 200.)

A series of reports presented to a round-table conference organized by the French Political Science Association in July, 1954, together with a summary of the discussions that followed. The papers deal with parliamentary methods and procedures in France, Britain, Switzerland, Italy, and the United States and are introduced by a general synthetic essay by M. Goguel.

German Social Democracy, 1905-1917: The Development of the Great Schism. By CARL E. SCHORSKE. (Cambridge, Mass.: Harvard University Press. 1955. Pp. xiii, 358. \$5.50.)

A competent and painstaking analysis of the internal conflicts which developed within the German Social Democratic party during the period 1905 to 1917. The disputes over the questions of nationalism and imperialism, pacifism and "defense of the fatherland," the use or nonuse of the general strike, the attitude to be taken on the suffrage question are discussed by the author and related to the positions assumed in regard to them by the various factions and leaders within the party. Emerging from the study is the conclusion that the German Social Democratic party was fundamentally revisionary in practice and dominated by the Conservative Trade Union organizations. For the Marxist revolutionaries the party proved a disappointment and they were ultimately forced to withdraw from it,

thus creating the schism expressed in the appearance of the Independent Socialist party. A useful bibliography is appended. The work merits attention from those who tend to lump together loosely Social Democracy, revolutionary Marxism, and Russian communism, thus completely misinterpreting the significance and nature of the Social Democratic movement.

Peasants, Politics, and Economic Change in Yugoslavia. BY JOZO TOMASEVICH. (Stanford: Stanford University Press; London: Geoffrey Cumberlege, Oxford University Press. 1955. Pp. xii, 743. \$7.50.)

After reviewing the main economic and political developments of the area prior to 1918, the author devotes the bulk of this book to an exhaustive analysis of the conditions of the Yugoslav peasantry between the two world wars. The study is based on both Yugoslav and non-Yugoslav sources and a thorough bibliography is appended.

Iberoamerica: su evolución política, socio-económica, cultural e internacional. BY JESUS DE GALINDEZ. (New York: La Americas Publishing Co. 1954. Pp. xv, 620. \$10.00.)

The contents of the volume on the historic evolution of "Iberoamerican" (i.e., Latin American) civilization are encyclopedic in scope and reflect a deep understanding of the peoples and problems of Latin America.

Derecho Constitucional. Segunda Edición. BY RAMON INFESTA. (La Habana, Cuba: Impreso de Editorial Lex. 1954. Pp. xvii, 456.)

This volume, intended as a textbook in Cuban constitutional law, is composed roughly of two parts: part one deals with the general theories of constitutionalism, and part two with Cuban constitutionalism. The latter contains a running commentary on the Cuban Constitution (1940), article by article.

Reglamento de la Cámara de Senadores de la Nación. (Buenos Aires: Imprenta del Congreso de la Nación. 1955. Pp. 78.)

The present edition of the rules of the Argentine Senate was approved in the session of September 28, 1954, replacing the edition approved on May 19, 1949. The new edition has 186 articles as compared with 199 in the previous edition. Among the changes noted are the reduction in the number of the standing committees from 22 to 16 and the provision for

the formation of bicameral, or joint, congressional committees.—J.B.C.

Catálogo de las Memorias de Ministros de Estado del Perú. BY THE DEPARTAMENTO DE PUBLICACIONES OFICIALES OF THE BIBLIOTECA NACIONAL. (Lima, Peru: Boletín de la Biblioteca Nacional, no. 15, for Dec. 1952. Printed 1954. Pp. 29-64.)

This catalog of the "memorias" of the ministries of Peru from the time of independence to the present is arranged by ministry and has at the end an index to the names of those presenting the "memorias." The catalog will not only be a help to those wishing to use these important publications, but may well prove to be the forerunner of a much-needed check list or catalog of all Peruvian official publications.—J.B.C.

O Sistema do Veto nos Estados Unidos: A Receptividade Brasileira. BY OCTACILIO ALECRIM. (Rio de Janeiro, Brazil: Jornal Do Commercio. 1954. Pp. 200.)

This is a rather detailed discussion of the exercise of the executive veto of congressional acts in the United States. Although most of the study is confined to the origins, nature, and use of the veto power in the United States, the author frequently alludes to the operation of the veto power under the various constitutions of Brazil.

Roman Civilization: Selected Readings. Volume II. The Empire. EDITED WITH INTRODUCTION AND NOTES BY NAPHITAL LEWIS AND MEYER REINHOLD. (New York: Columbia University Press. 1955. Pp. viii, 652. \$7.50.)

A book of readings covering Roman history from the Augustan Age to that of Constantine. Excerpts are included from Roman public documents and the writings of classic authors. Areas covered include administration, economic life, social, cultural, religious, and legal problems, military organization, and governmental structures.

Report of the Congress Village Panchayat Committee. (New Delhi: All India Congress Committee. 1954. Pp. 60, lxxxviii. Rs. 1-8-0.)

The Village Panchayat Committee was appointed by the Congress Working Committee on May 23, 1954, and the report was submitted on July 20, 1954. S. N. Agarwal was the convener of the Committee. The first point of the summary of recommendations is as follows: "The Panchayat system provides a

sound basis for the establishment of healthy democratic traditions in India. Its development should be encouraged and fostered by the State to enable the masses of our people to participate in the business of administration and other aspects of community life, social, economic, and judicial."—J.B.C.

The Evolution of Public Responsibility in the Middle East. EDITED BY HARVEY P. HALL. (Washington, D. C.: The Middle East Institute. 1955. Pp. 118. \$2.00.)

A collection of 12 addresses delivered at the 1955 Conference on Middle Eastern Affairs; contributors include T. Cuyler Young, George Lenczowski, George V. Allen, and Jefferson Caffrey.

Les Partis Politiques Marocains. BY ROBERT RÉZETTE. (Paris: Librairie Armand Colin. 1955. Pp. xviii, 409.)

A study of Moroccan parties and of Moroccan government in general with some attention to the economic, social, and other factors that have led to the present crisis.

The African Awakening. BY BASIL DAVIDSON. (New York: The Macmillan Company. 1955. Pp. 262. \$2.50.)

By way of a close examination of the Congo and Angola, the author here seeks an explanation for the general malaise of Africans throughout the continent. A summary of his own observations and the problems they disclosed by a seasoned traveler and student of Africa south of the Sahara.

The Spirit of Russia: Studies in History, Literature and Philosophy. TRANSLATED BY EDEN AND CEDAR PAUL. ADDITIONAL CHAPTERS AND BIBLIOGRAPHIES BY JAN SLAVIK. TRANSLATED BY W. R. AND Z. LEE. (London: George Allen & Unwin Ltd.; New York: The Macmillan Co. 1955. Pp. xxii, 480. \$14.00.)

A new edition of a book which has for a long time been considered as a classic on Russian thought of the pre-Communist era. Incorporated in the new edition are materials on the 1917 Revolution, added previously to the Czech editions of the book by Jan Slavik, a noted Czech student of Russian history and philosophy.

Soviet Military Law and Administration. BY HAROLD J. BERMAN AND MIROSLAV KERNER. (Cambridge, Mass.: Harvard University Press. 1955. Pp. xiv, 208. \$4.00.)

This is a thorough analysis of the internal administrative structure of the Soviet military establishment and its relation to the Soviet state, and of the detailed operations of Soviet military law and tribunals. The authors have based their study upon Russian documentary sources and cases heard before the military tribunals. While primarily a legal study the book has implications for the political and social scientist. As to use to which military law has been put by the government, the authors conclude "Instead of giving law to the people, it uses law to transform the people. The transforming power of the law which it uses is seriously diminished, however, by the fact that the leadership remains the master, rather than the servant, of the legal order."

Documents on Soviet Military Law and Administration. EDITED AND TRANSLATED BY HAROLD J. BERMAN AND MIROSLAV KERNER. (Cambridge, Mass.: Harvard University Press. 1955. Pp. vii, 164.)

A collection of laws governing the Soviet armed forces, military courts and their procedure, and other matters pertinent to military discipline and military administration. Added are reports on several cases tried in Soviet military courts.

Satellite Generals: A Study of Military Elites in the Soviet Sphere. BY ITHIEL DE SOLA POOL WITH COLLABORATION OF GEORGE K. SCHUELLER, ROBERT H. BILLIGMEIER, CARY FISHER, PAUL KATONA, CHENG YUAN, JANUSZ K. ZAWODNY. (Stanford, Calif.: Stanford University Press. 1955. Pp. vi, 165. \$1.75.)

This is a study in elite analysis applied to the general officers of the Soviet satellite states of Czechoslovakia, Poland, Roumania, Hungary, and China. The study is useful in that it makes available biographical materials not generally accessible and because it points up the problems confronting the Soviet leaders in regard to the building up of the satellite armies. Not the least of these difficulties is the one of assuring that commanding officers are both competent and loyal. The conclusions drawn by the authors will interest students concerned with analyzing trends and future potentials behind the iron curtain.

Economic Planning in Communist China. BY RONALD HSIA. (New York: International Secretariat, Institute of Pacific Relations. 1955. Pp. vi, 89. \$1.25.)

A short summary based almost entirely on materials from Chinese Communist sources, and consequently not as specific as might be desired, although through no fault of the author's. This study was originally undertaken at M.I.T., and is a successor to an earlier short work on Chinese Communist price control.

The Chinese Gentry: Studies on Their Role in

Nineteenth-Century Chinese Society. By CHUNG-LI CHANG, WITH INTRODUCTION BY FRANZ MICHAEL. (Seattle: University of Washington Press. 1955. Pp. xxi, 250. \$5.75.)

A new study of the role of the gentry class in imperial China's last century, with considerable use of statistics to indicate the size of the class and its internal gradations, and with much attention to the examination system.

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INTERNATIONAL LAW AND RELATIONS*

Repertory of Practice of United Nations Organs: Volume I, Articles 1-22 of the Charter. PREPARED BY THE UNITED NATIONS. (New York: Columbia University Press, 1955. Pp. xi, 742. \$3.50.)

Here is the first of a series of five volumes (of tremendous size and limitless utility) devoted to an analysis of the meaning and working of the United Nations Charter. Authorized by the General Assembly in 1953, the repertory has been produced by the secretariat, in part for general information and in part as preparation for a charter review conference. If, as is suggested by the preface, the work can be supplemented annually, students of the United Nations will have an extremely valuable reference work on all phases of U.N. affairs. Meanwhile we have an exhaustive commentary and a rich source of auxiliary materials on the first 10 years. This first huge volume covers only the first 22 articles of the Charter; the other four volumes are promised for late 1955.

Foreign Relations of the United States: Diplomatic Papers, 1938. Volume I: General. (Washington: Government Printing Office. 1955. Pp. viii, 1009.)

Foreign Relations of the United States: Diplomatic Papers, 1938. Volume II: The British Commonwealth, Europe, Near East and Africa. (Washington: Government Printing Office. 1955. Pp. vii, 1136.)

Initial volumes covering the last "peaceful" years (Volumes III and IV on the Far East already have been released). The first surveys general political developments in Europe with special attention to the closing months of the Spanish Civil War, the annexation of Austria, the growing crisis over German demands upon Czechoslovakia, and the fateful meeting at Munich. The second is a potpourri dealing with aspects of U. S. relations with over 30 different states and territories, many entries reflecting the developing tension and unrest.

Foreign Relations of the United States: Diplomatic Papers, 1939. Volume III. The Far East. (Washington: Government Printing Office. 1955. Pp. iii, 883. \$4.00.)

* The review of FELIX GROSS, *Foreign Policy Analysis*, in the September, 1955 issue of THIS REVIEW, Vol. 49, p. 902, was written by Frederick H. Hartmann, University of Florida.

Foreign Relations of the United States: Diplomatic Papers, 1939. Volume IV. The Far East, The Near East and Africa. (Washington: Government Printing Office. 1955. Pp. v, 905. \$3.50.)

All of Volume III and the bulk of Volume IV are concerned with the undeclared war of Japan against China, political developments within Japan, internal Chinese affairs, and the continuing interest of the United States in the fate of China.

Secretaría de Relaciones Exteriores. Tratados internacionales. Tomo 1. (Tegucigalpa, Honduras: Imprenta Calderón. 1954. Pp. 526.)

The first volume of the new official treaty collection of Honduras includes treaties and related documents of the colonial period affecting Honduras, treaties of the Federal Republic of Central America, and bilateral treaties of Honduras with Costa Rica. According to the final note signed by Ernesto Alvarado García, "jefe de la Sección de Tratados y Organismos Internacionales," and dated October 15, 1954, the orthography of the original documents has been preserved, and all the treaties in this volume have only a historical value. Plans are made for the publication of the other treaties of Honduras in six more volumes. The last previous official treaty collection of Honduras had been published by the Foreign Office in 1913-1915 in two volumes, and had included only the treaties in force relating to Central America and to North and South America.—J.B.C.

Toward Our Common American Destiny. BY JOHN M. CABOT. (Medford, Massachusetts: Fletcher School of Law and Diplomacy. Pp. xvii, 214. \$3.50.)

This is a volume of speeches and interviews by Ambassador John Moors Cabot, career diplomat, while Assistant Secretary of State for Inter-American Affairs, 1953-1954. The belief is expressed that the unsolved problems of inter-American relations have shifted from the political to the economic and trade field. Although the United States must step up both economic assistance and technical assistance, Ambassador Cabot believes that "our primary contribution to the development of our sister republics must come through trade."

Carlos de Alvear, Man of Revolution: The Diplomatic Career of Argentina's First Minister to

the United States. By THOMAS B. DAVIS, JR. (Durham, N. C.: Duke University Press. 1955. Pp. vii, 305. \$5.75.)

General Carlos de Alvear, a veteran of the Argentine War of Independence, served as his country's diplomatic representative to the United States during the period 1824-1852. Despite his long residence here, he became convinced that the great enemy of his people was the United States. This biographer believes that the ill-founded warnings of Alvear laid the basis for the traditional Argentine antipathy for the United States.

Les Délibérations du Conseil des Quatre (24 mars-28 juin). NOTES DE L'OFFICIER INTERPRETE, PAUL MANTOUX. Vols. I and II. (Paris: Centre National de la Recherche Scientifique. 1955. Pp. 521, 579. 1800 frs. per vol.)

Interpreter's notes of the conversations among the Big Four during the crucial final three months of the World War I peace negotiations—not verbatim but rather complete. Mantoux presents this as a more complete summary than that published earlier by Sir Maurice Hankey but has supplemented his notes with some of the latter's. The first volume covers the period to the delivery of the peace terms to the German delegation; the second covers the period to the signature of the Versailles treaty.

Tyranny on Trial: The Evidence at Nuremberg. By WHITNEY R. HARRIS. (Dallas: Southern Methodist University Press. 1954. Pp. xxxvii, 608. \$6.00.)

Nuremberg: German Views of the War Trials. EDITED BY WILBOURN E. BENTON AND GEORG GRIMM. (Dallas: Southern Methodist University Press. 1955. Pp. vii, 211. \$4.00.)

Although both books deal with the Nuremberg trial, they are utterly different. Mr. Harris, who had served as counsel on Mr. Justice Jackson's staff at Nuremberg, uses the evidence brought out in the trial to piece together a detailed, well-documented, but ghastly story of Nazi crimes. Only a relatively small part of his book, though by no means an unimportant one, deals with the legal evaluation of the trial. The 12 essays which constitute the bulk of the second book are devoted, on the other hand, to a legal analysis of the trials by various German authorities, including a number of defense counsel for the convicted Nazi War criminals.

Modern Far Eastern International Relations. By HARLEY FARNSWORTH MACNAIR AND DONALD F. LACH. (Toronto, New York, and London: D. Van Nostrand Co., Inc. 2nd ed. 1955. Pp. xiii, 777. \$10.00.)

A considerably reorganized and rewritten new edition of a well-known text, the final section of which devotes almost 200 pages to Japan, China, and Southeast Asia since World War II.

Promoting Economic Development: The United States and Southern Asia. By EDWARD S. MASON. (Claremont, Cal.: Claremont College. 1955. Pp. 83. \$2.75.)

Three short chapters (the first two were prepared as lectures) by the Dean of Harvard's School of Public Administration, who served during 1954 as a consultant to the Planning Board of the government of Pakistan.

South-East Asia between Two Worlds. By TIBOR MENDE. (New York: Library Publishers. 1955. Pp. viii, 338. \$3.95.)

Personal journalism, delightful style, heavy on economic problems and policies, and devoted in the main to Indonesia, Burma, and Pakistan; an eloquent concluding section, "Southeast Asia: People against the Past," is a summary of what really goes on in Asia and what—if anything—others can do about it.

The Boxer Catastrophe. By CHESTER C. TAN. (New York: Columbia University Press. 1955. Pp. ix, 276. \$4.50.)

A new study of the Boxer Rebellion, set against an examination of China's internal situation, and with an attempt to trace its international implications and repercussions; based in the main on Chinese sources.

International Migrations. By DONALD R. TAFT AND RICHARD ROBBINS. (New York: The Ronald Press Company. 1955. Pp. viii, 670.)

This book undertakes, primarily, to present an historical account of all human migration in the entire world during the modern period. Secondly, it attempts to explain and evaluate these movements from the standpoint of sociology.

Atomic Weapons and Armies. By F. O. MIKSCH. (New York: Frederick A. Praeger. 1955. Pp. 222. \$5.00.)

Speculation on the possible tactical uses of atomic weapons, and probable effects of such weapons on the organization of armies and on

the methods of modern war. The author holds strongly to the view that the early days of atomic war will be decisive, and further suggests that even if atomic weapons are not used the nature of modern warfare will change to cope with the possibility of the use of such weapons.

Worldwide Communist Propaganda Activities, EDITED BY F. BOWEN EVANS. (New York: The Macmillan Co. 1955. Pp. xiii, 222. \$3.00.)

A handbook and summary of Communist propaganda activities in various regions

throughout the world. An analysis and identification of Communist front organizations, publications, and broadcast activities is given and an attempt is made to indicate the dominant themes of Soviet propaganda at various stages in its development.

The Law of Nations: An Introduction to the International Law of Peace. BY J. L. BRIERLY. (Oxford: The Clarendon Press. 5th ed. 1955. Pp. ix, 331. \$3.00.)

This is a revised edition of Brierly's well-known short introduction to international law.

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H. ARTHUR STEINER

University of California (Los Angeles)

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POLITICAL THEORY, RESEARCH, AND METHODOLOGY

The Dynamics of Bureaucracy. By PETER M. BLAU. (Chicago: The University of Chicago Press. 1955. Pp. ix, 269. \$5.00.)

The thumping title that the publisher has bestowed upon this book is unjust to its modest claims. Mr. Blau, a sociologist disciple of Robert Merton, was afforded the opportunity to observe "interpersonal relationships of civil servants" first in a unit of 24 persons: a division of a state employment service serving the clothing industry in a large city; then in a district office, with 18 members, of an unnamed federal enforcement agency, presumably the Wage and Hour Division of the Department of Labor. He spent about three months in each office, was apparently well enough received to elicit frank statements, and was able to apply "interlocking research procedures," using direct observation, documents, and interviews.

Mr. Blau's two case studies reveal sensitive observation. He discovers freshly that rules do not always work out as expected, that the rank-and-file worker can subtly modify or subvert them. He was particularly struck by the introduction of statistical performance controls in the Employment Service just before the period of his observation. In the jargon of his patron saint, this had the "functional" effect of minimizing scoldings by the supervisor, because "the facts speak for themselves"; the knowledge that the supervisor had the statistics led to self-improvement of output. But it had various "dysfunctional" effects, such as overemphasizing quick placements at the cost of time-consuming job counseling and stressing competitiveness at the cost of social cohesion. It impressed him par-

ticularly that the performance control had an indirect, unanticipated effect of minimizing racial discrimination in the reception of clients—more effectively, probably, than any direct order against discrimination.

He noted the widespread tendency in the enforcement agency to violate the explicit rule not to discuss cases with peers, but only with the supervisor. He describes in detail the "office parties" and their role in strengthening social cohesion.

Mr. Blau's observations convince him that there are factors in bureaucracy that favor changes in methods, goals, and structure. He outlines five of them. This finding is not consistent with the views of Max Weber and Mises with which he starts; by page 202 he is ready to question whether principles based on the Germany of Weber's time are applicable in the United States today.

Students of public administration will welcome fresh insights into human relations from well-trained, sensitive students from other social sciences. But it is distressing to find only five references to works by political scientists in a bibliography of 60 items that is rich in anthropology and psychoanalysis, as well as sociology. Mary Parker Follett wrote on "The Illusion of Final Authority" in 1926; introductory textbooks in public administration and in management traverse much of the material in Mr. Blau's chapter on "The Exercise of Authority." One can applaud the emergence of political sociology and still wish that there were a little more political science in it.—CHARLES S. ASCHER, *Brooklyn College*.

Career Perspectives in a Bureaucratic Setting.

By DWAIN MARVICK. (Ann Arbor: University of Michigan Press. 1954. Pp. viii, 150. \$2.25.)

This monograph, based on data obtained from a survey of some 200 higher-level employees of one federal agency conducted in 1950 by the Survey Research Center, Human Relations Program, University of Michigan, is concerned with the career perspectives of "institutionalists, hybrids, and specialists" composing the personnel interviewed. Limited in scope, this exploratory study points toward the need for further research into the basic problem of reconciling organizational and individual interests and the specific dangers to the former which may arise from the subjective attitudes of different career types.

Reflections on the Failure of Socialism. By MAX EASTMAN. (New York: The Devin-Adair Company. 1955. Pp. 127. \$2.75.)

This is a collection of essays by Max Eastman published after his break with Marxism in the 1930's. The introductory chapter summarizes the author's intellectual pilgrimage from Marx to Hayek and constitutes the most interesting portion of the book. The remaining chapters, written in the easy style for which the author is famous, deal with specific problems and exemplify the socio-economic philosophy which now characterizes Eastman's thinking. The book is an illuminating contribution to the literature of the disillusioned Left and merits serious consideration.

In the Twilight of Socialism: A History of the Revolutionary Socialists of Austria. By JOSEPH BUTTINGER. (New York: Frederick A. Praeger, Inc. 1953. Pp. x, 577.)

Joseph Buttinger, whose party name was Gustav Richter, was chairman of the Central Committee of the Austrian Revolutionary Socialists and later of the Foreign Board of Austrian Socialists. In the above work, which was roundly criticized by Buttinger's German and Austrian Socialist friends when he circulated it among them in manuscript form, the author gives a history of the Austrian socialist movement between 1934 and 1938 and discusses the ideological conflicts and the rivalries between the various Socialist leaders in Austria and between the Austrian Socialists and the Socialist Foreign Bureau at Brno. It is the most important volume on the Austrian Revolutionary Socialist movement which has thus far been published.—J.R.

Theses in the Social Sciences: An International Analytical Catalogue of Unpublished Doctorate Theses, 1940-50. (New York: Columbia University Press. Pp. 236. \$1.25.)

Describes—in English and French—3215 unpublished theses prepared since 1940 in more than 20 countries. The preface gives information, by country, about requirements for doctorates and in some cases, references to national lists of unpublished theses. Each entry includes the author's name, the title, university, degree, language in which written, and number of pages. The entries are grouped under the following headings (with the number of these described given in parentheses): sociology (110); social psychology (63); population, demography and human geography (73); political science (228); economics (1278); law (797); international law and relations (294); administrative sciences (219); education (100); and cultural anthropology and ethnology (53). The volume includes a number of tables and indices, showing subject, author, and language.

The Tyranny of Progress: Reflections on the Origins of Sociology. By ALBERT SALOMON. (New York: The Noonday Press. 1955. Pp. 115. \$3.00.)

A provocative essay, the thesis of which is that Saint Simon and the early French sociologists are the intellectual and emotional precursors of totalitarianism. Through insistence on application of scientific objectivity and on messianic hope for the future, these men influenced Hegel, Marx, and others to draw plans for a regimented society, the argument runs.

Conflict and the Web of Group-Affiliations. By GEORG SIMMEL. TRANSLATED BY KURT W. WOLFF AND REINHARD BENDIX. (Glencoe, Illinois: The Free Press. 1955. Pp. 195. \$3.50.)

Translations of two important sections of the German Philosopher's *Soziologie* by two scholars from Germany. The work argues that conflict is the primary organizing force, and that change is the normal state of human society.

Debates with Historians. By PIETER GEYL. (Groningen and Djakarta: J. B. Wolters; The Hague: Martinus Nijhoff. 1955. Pp. viii, 241. \$12.40.)

Thirteen essays, eleven printed heretofore in English, on historiography, including—

among others—chapters on Ranke, Macaulay, Carlyle, Michelet, Sorokin, and Toynbee.

Studying Your Community. By ROLAND L. WARREN. (New York: Russell Sage Foundation. 1955. Pp. xii, 385. \$3.00.)

A comprehensive working manual for those

interested in the study and understanding of a particular community; a practical and suggestive guide for lay individuals and groups and possibly of value to professional people attracted into areas outside their special competence.

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NEWS AND NOTES

PROFESSIONAL CONFERENCES

1956 ANNUAL MEETING OF THE ASSOCIATION

The 1956 Annual Meeting of The American Political Science Association will be held September 6-8, 1956, in Washington, D.C. The Chairman of the Program Committee is Professor Earl Latham of Amherst College; the Chairman of the Committee on Local Arrangements is The Reverend James B. Horigan, S.J., of Georgetown University.

Fifty-first Annual Meeting of The American Political Science Association: Minutes of the Council Meeting

The Council of The American Political Science Association met at 9:30 A.M., September 6, 1955 at the University Memorial Center, University of Colorado, Boulder, Colorado. President Charles McKinley called the meeting to order. The following officers and members of the Council were present: Charles McKinley, President; Harold D. Lasswell, President Elect; Charles S. Hyneman, Vice President; Harvey C. Mansfield, Secretary; Edward H. Litchfield, Treasurer; Hugh L. Elsbree, Managing Editor, *THE AMERICAN POLITICAL SCIENCE REVIEW*; Manning J. Dauer, Arnaud Leavelle, Dayton D. McKean, J. Roland Pennock, C. Herman Pritchett, Gabriel A. Almond, Stephen K. Bailey, Gwendolen M. Carter, Samuel J. Eldersveld, Avery Leiserson, Norman Palmer; Evron M. Kirkpatrick, Executive Director; Ken Hechler, Associate Director; and the following Past Presidents of the Association: Pendleton Herring, Peter H. Odegard, James K. Pollock, Arthur W. Macmahon, John M. Gaus, Leonard D. White, and William Anderson. Also present at the Council Meeting were the new nominees for the Council and the nominees for Vice President and President Elect.

The Council commended the Committee on Local Arrangements for the extensive work which it had done in making the Boulder Meeting a success. A resolution of thanks to the Local Arrangements Committee received unanimous approval.

The Executive Director reported that the

name of the Congressional Intern Program had been changed to the Program of Congressional Fellowships. Five journalists and five teachers or graduate students in political science, comprising the group, will report to the Association on November 1, 1955. The work of the Congressional Fellows has been so superior that there has been a widespread desire by members of Congress to hire the Fellows after the completion of the program; four out of ten of the Congressional Fellows from last year's group have secured positions and will remain on Capitol Hill with Senators and members of the House with whom they worked during the program.

The Executive Director reported that the long efforts of the Association to establish a program for more adequate reporting of election statistics had finally come to fruition. A project was designed by the Association and received a grant from the Edgar B. Stern Family Fund, to be administered by the Governmental Affairs Institute under the direction of Richard M. Scammon. It is expected that the first volume will be published in the spring of 1956, after which a biennial volume is contemplated.

The Edgar B. Stern Family Fund has also made a grant to the Governmental Affairs Institute for a study of the problems of Metropolitan Areas, following the submission of a project design by a special committee of the Association. The study of Metropolitan Areas will be under the direction of Luther Gulick.

The Executive Director reported on the meeting of the Third World Congress of Political Science held in Stockholm, August 21-27, at which he and James K. Pollock had represented the Association. The International

Political Science Association elected James K. Pollock as its next President for the term 1955-1958. Considerable support was voiced in the meeting of the IPSA Executive Committee for a round table to be held in the United States just before or after the 1956 Annual Meeting of the Association.

The Executive Director reported that as of the time of the Annual Meeting there were 5,526 members—the lowest point which will probably be reached after ruthlessly “separating” people from the Association rolls when their dues became delinquent. The Executive Director mentioned that there was a heavy concentration of Association membership along the East Coast, and it was hoped that during the coming year steps could be taken to increase the membership in areas where it is low.

The Executive Director reported that an Association committee of political scientists and journalists (including Ernest K. Lindley, Roscoe Drummond, and Ralph Casey), with the assistance of a grant by the Poynter Fund, had developed a proposal for a series of awards to young journalists for distinguished reporting in state and local public affairs. The proposal includes a summer seminar for approximately 12 young newspaper men and women from the midwestern area, who will be selected on the basis of the best newspaper accounts of some aspect of state or local public affairs. The seminar, if funds are available, will be conducted by Ralph Casey, Director of the Minnesota School of Journalism.

In the period from October 1, 1954 to the time of the Annual Meeting, the Executive Director reported that the Personnel Placement Service had filled 42 positions out of 68 academic, research, and governmental positions reported to the Association. A number of new contacts were developed with government agencies and private research institutions, particularly with the U.S.I.A. and the International Cooperation Administration. During the past year, the Executive Committee voted to institute a \$2.00 registration fee, to go into effect after the Boulder Meeting, for members of the Personnel Placement Service. This fee will partially defray the cost of the Personnel Newsletters, postage and handling costs, and other expenses of the Personnel Placement Service. Exclusive of the cost of the staff devoted to the Placement Service, it has been estimated that the expense of this service to the Association is approximately \$500 annually.

The Editor of THE AMERICAN POLITICAL SCIENCE REVIEW, Hugh L. Elsbree, reported on the work of the REVIEW during the past year. He indicated that the REVIEW receives about 5 or 6 articles for every one that it is possible to publish. This means that a good backlog of articles has been accumulated, particularly during the past few months, which will aid the transition to a new Editor.

President McKinley reported on the work of a Search Committee to select a new editor for the REVIEW, because of the resignation of Mr. Elsbree to assume new responsibilities in the Legislative Reference Service. The Search Committee, including President McKinley, President Elect Lasswell, E. E. Schattschneider, Arthur Macmahon, and C. Herman Pritchett, unanimously recommended that Harvey Mansfield be asked to serve as Editor for a term of not less than three nor more than five years, commencing approximately April 1, 1956. By motion of Mr. Bailey, seconded by Miss Carter, the Council then unanimously approved Mr. Mansfield as the next Editor of the REVIEW.

The Chairman of the Board of the Governmental Affairs Institute, Edward H. Litchfield, presented a written report on the activities of the Institute. He reported that Ralph Bunche and General Otto Nelson had been elected to Board membership during the year, and that the Executive Director and President Elect of the Association, Messrs. Kirkpatrick and Lasswell, were ex-officio members of the Board. Effective October 1, Mr. Litchfield will become Chairman of the Board, and will be replaced as President of the Institute by Luther Gulick. As thus reconstituted, the Board of Directors for 1955-1956 includes: Ralph Bunche, Taylor Cole, Luther Gulick, Evron Kirkpatrick, E. E. Schattschneider, Edward H. Litchfield, H. Philip Mettger, General Otto Nelson, Peter H. Odegard, James K. Pollock, and Roger H. Wells. During the calendar year 1955, approximately 350 individuals (governmental, political, legal, and political journalists) from 45 countries will have been programmed under the exchange of leaders contract with the Department of State. Well over 100 political scientists have cooperated in these study trips and these foreign guests have visited more than 100 colleges and universities. The Institute's analysis of the Marshall Plan, prepared by Harry Price, was published on July 11, 1955 under the title *The Marshall Plan and Its Meaning*. In the early summer, the Presi-

dent's Commission on Intergovernmental Relations also published the Institute's study of the impact of grants-in-aid on the political structure of the states, prepared by a group of 40 political scientists headed by Roger Wells; this study covers 25 states. As noted by the Executive Director, the Institute received grants from the Edgar B. Stern Family Fund for the development of a central election statistics service and for an exploratory study in the field of urban government. The Institute and the Association continued their efforts to raise funds for a Political Science Building to house the Association and the Institute, and succeeded in raising \$34,000 for this purpose. The Institute then invested an additional \$24,000 of its own funds, a building at 1726 Massachusetts Avenue was purchased, and both organizations are now occupying this building. This move has given the Association more space (at a lower total cost) than it occupied in the American Council on Education Building at 1785 Massachusetts Ave. Included in the Institute's budget for next year is a contemplated contribution to the Association of \$4,500 in return for professional help and advice provided by the Association's Washington Office.

Mr. Dauer moved that a written statement be presented at the next Council Meeting clarifying the relationships between the Association and the Governmental Affairs Institute. Mr. Kirkpatrick reviewed the preliminary work which had been done by a joint committee of the Association and the Institute to work out such a statement of relationships. Mr. Litchfield then seconded Mr. Dauer's motion, which received the unanimous approval of the Council.

Copies of the auditor's report on the financial condition of the Association were distributed to all members of the Council prior to the Treasurer's report. The Treasurer noted particularly that expenses were over \$10,000 less than the 1955 budget adopted at the Chicago Annual Meeting in 1954; and that although the 1955 budget had contemplated a deficit of expenditures over income totaling somewhat over \$4,500, actual income in 1955 had exceeded expenditures by more than \$2,900. The Treasurer noted that a Finance Committee had been established, consisting of Beardsley Ruml, Grayson Kirk, Robert Calkins, Luther Gulick, and Mr. Litchfield as Chairman. The final report of the Committee will not be made prior to December, 1955. The Council unanimously approved

the report of the auditor, and also unanimously adopted a budget for 1955-1956 with the understanding that shifts in funds from one item to another might be made by the Executive Director with approval of the Executive Committee.

Mr. Litchfield moved, Mr. Odegard seconded the motion, and the Council unanimously recommended that the staff of the National Office be given an opportunity to participate in the TIAA or such other retirement plan as was found most feasible.

The Executive Director reported on developments since the passage of the resolution at the 1954 Council Meeting "that the study of the national nominating conventions be repeated in 1956 if possible and that the Executive Director be instructed to see that planning and other necessary action to that end is undertaken." Subsequent to the 1954 meeting, the Association established a committee, chaired by Arthur Holcombe, which recommended that the study be undertaken in cooperation with The Brookings Institution. The President of The Brookings Institution at the end of the summer informed the Association that it would be impossible to undertake the study because of other commitments. Mr. Calkins advised that it would be valuable for the Association to undertake the project if the administrative and financial problems could be solved. Mr. David suggested that the Council might reaffirm its action of a year ago, might prepare for a full study of Presidential Nominating Politics in 1960, might concentrate on a state by state review of the same type as done in 1952, or might abandon the study for the time being. On a motion by Mr. Odegard, seconded by Mr. Leiserson, and unanimously adopted by the Council, the Council expressed its continuing interest in presidential nominating politics and authorized the President and Executive Committee of the Council, subject to the necessary administrative and financial resources being available, to proceed with a further study of presidential nominating politics in 1956 with such changes of design both as to scope and method as may seem feasible and desirable.

The Executive Director reported on the background of the Committee on National Security and Civil Liberties which was created following the action of the Council and Business Meeting in 1954. Mr. Anderson, the chairman of the Committee on National Security and Civil Liberties, indicated that he had had considerable correspondence with the members

of the Committee, that it had not been possible to hold a Committee meeting. Mr. Anderson reported that there was a choice which the Committee faced between taking a positive stand or indicating that this was primarily a problem for research. He read a draft resolution, and suggested that if the Council approved the resolution in principle it would furnish a basis for consideration by the Business Meeting. Some members of the Council felt there was need for change in the wording of the resolution. After considerable discussion, it was unanimously voted by the Council that the Committee on National Security and Civil Liberties be empowered to reword the draft for presentation to the Business Meeting, with the hope that sufficient copies of the revised draft could be distributed to the members at the Business Meeting.

Following the report of the Chairman of the Program Committee, President McKinley circulated a draft statement for the establishment of ground rules for the selection of readers of panel papers at the annual meeting. The President indicated that the Executive Committee had discussed the draft and there had been considerable disagreement about giving up the past practice of having the Program Committee assume full responsibility for the program content. The Council unanimously voted that this question be referred to the Executive Committee for further consideration.

The Executive Director reported that the 1956 Annual Meeting would be held in Washington D.C., in accordance with the practice of holding a meeting in Washington every three years. He further reported that the Council in 1954 had voted that the 1957 meeting be held in either New York, Philadelphia, or Cleveland.

After some discussion of the advantages of holding a meeting in some Southern city, Mr. Litchfield moved, Mr. Odegard seconded, and the Council by majority vote adopted the motion that the 1957 Annual Meeting be held in either New York, Philadelphia, Cleveland, or New Orleans.

Reporting on the Woodrow Wilson Award, Mr. David Fellman indicated that 36 volumes were submitted by 29 publishers, and that the Woodrow Wilson Award Committee had met at the office of the Woodrow Wilson Foundation in New York to reach its final decision. The Woodrow Wilson Award was voted to the volume *Prejudice, War and the Constitution* by tenBroek, Barnhart, and Matson. Two volumes were mentioned as warranting special

mention by the Woodrow Wilson Award Committee: Leonard White, "The Jacksonians," and Don K. Price, "Government and Science."

The Executive Director reported that the Executive Committee had approved the granting of a \$500 annual award in commemoration of The Reverend Leon H. Birkhead, to be presented to the author of the doctoral dissertation which has made the greatest contribution toward the understanding of the traditions, institutions or methods of democracy, or the forces threatening them. The late Reverend Birkhead was for many years the director of Friends of Democracy. The award will be presented each year at the annual meeting of the Association, and the Executive Committee recommended that no more than one dissertation could be recommended from each university for consideration by the Birkhead Award Committee. The Council voted its unanimous approval of the Birkhead Award.

The Chairman of the Committee on Nominations, Norman J. Padelford, read his report, copies of which had been distributed to all members of the Council. Mr. Padelford reported that twice as many letters were received this year in answer to appeals for nominees, as compared to last year. Forty-seven people were suggested for President Elect, 83 for Vice President and 44 as members of the Council. The Nominating Committee felt that in some respects the nominating procedure was undemocratic and gave the Association membership little feeling of participation. The Council unanimously voted to adopt the following recommendations of the Committee on Nominations: that provision be made for a meeting of the Committee on Nominations during the spring and that an item for this purpose be included in the budget; that the Association call on all departments of political science to take a more active part in proposing nominees for Association offices, by placing this item on the agenda of departmental meetings; that the constitution be amended to empower the President, in the event that an elective office holder may be unable to accept or continue in office, to fill the vacancy by appointment. By majority vote, the Council referred three other recommendations of the Committee on Nominations to the Executive Committee without prejudice: that the constitution be amended to provide dual nominations for offices other than those of President Elect and Treasurer; that the constitution be amended to provide for conducting annual election of officers by

mail ballot; and that a provision be made for the write-in of names on the ballot in the election of officers.

On motion of Mr. Pritchett, seconded by Mr. McKean, the Council unanimously approved the reappointment of Taylor Cole as a representative of the Association on the board of directors of the Social Science Research Council.

The Council discussed proposals by ex-Senator William Benton and Nelson Poynter, editor and publisher of *Congressional Quarterly* and *The St. Petersburg Times*, that the Association sponsor four annual awards to members of Congress for distinguished public service. The proposal contemplated two awards for members of the Senate and two for members of the House of Representatives—to one Republican and one Democrat in each House of Congress. Mr. Dauer commented on the effectiveness of the annual awards sponsored by *The St. Petersburg Times* to outstanding members of the Florida House and Senate. Several members of the Council raised questions about the danger of carrying forward such a proposal without a sound administrative procedure and clear criteria for selection. By motion of Mr. Hyneman, seconded by Miss Carter, the Council unanimously referred the proposals for Congressional Awards for further consideration by the Executive Committee, with the suggestion that prior to the meeting of the Executive Committee the staff of the Association furnish Senator Benton and Mr. Poynter with such advice and assistance as they may need in carrying forward this proposal.

Ralph Goldman presented a report prepared by himself and James Burns recommending that the Association proceed to secure financing for a study of the reapportionment of Congress and state legislatures. Mr. Litchfield moved that the proposal be considered by the Executive Committee with a view to designing a project, following which there should be consultation with the Executive Committee, solicitation of funds, and then a determination of how to administer the proposal. Mr. Litchfield's motion was seconded by Mr. Pritchett and received the unanimous approval of the Council.

A proposal was made by Mr. Pennock to establish an Institute of Political Research, whose major purpose would be to secure an overall view of developments in political science, spotting areas where additional research needed to be undertaken, and devising

means for stimulating additional needed research. Mr. Pennock moved that his proposal be referred to the Executive Committee for consideration, Mr. Pritchett seconded the motion, and it received unanimous approval of the Council.

Mr. Odegard noted that the Executive Committee had passed a resolution to "express its deep appreciation to Dean Edward H. Litchfield for his bold and constructive leadership in securing a Political Science Building to serve as a focal point for the Political Science profession." Mr. Odegard moved that the Council take note of this resolution and record itself as in support of it, the motion was seconded by Mr. Palmer, and the Council unanimously approved.

The meeting of the Council adjourned at 6:10 P.M.

Minutes of the Annual Business Meeting

The Annual Business Meeting of The American Political Science Association was held at 1:30 P.M., Friday, September 9, 1955 in the Center Ball Room of the University Memorial Center, University of Colorado, Boulder, Colorado. The meeting was called to order by President Charles McKinley. Mr. Harvey C. Mansfield, Secretary of the Association, summarized the decisions taken by the Council at its meeting on September 6; the report was approved unanimously.

In the absence of the Treasurer, the Secretary made the financial report. At the request of Mr. Harvey Walker, the Secretary reported on the condition of the trust funds of the Association. The Business Meeting voted unanimous approval of the financial report.

Mr. William Anderson reported on the work of the Committee on National Security and Civil Liberties and asked for comments on the statement on this subject which had been mimeographed and distributed to all members attending the Business Meeting. In response to several comments concerning the statement, Mr. Anderson indicated that the Committee had been asked not only to prepare a statement of civil liberties but also to indicate the research which could be undertaken in this field. The Business Meeting then voted to table the pending statement and to authorize the Executive Committee to investigate possibilities for research in this area. The President expressed his appreciation to Mr. Anderson and the members of his committee for the

excellent work which they had done on this question.

Mr. Norman Padelford, Chairman of the Committee on Nominations, reported that his Committee had unanimously agreed on the following nominees as officers of the Association for 1955-56: President Elect: E. E. Schattschneider (Wesleyan University); Vice Presidents: Joseph P. Harris (University of California at Berkeley), Harold S. Quigley (University of Minnesota), Emmette S. Redford (University of Texas); Secretary, Harvey C. Mansfield (The Ohio State University); Treasurer, Edward H. Litchfield (Cornell University); members of the Council for two years: Weldon Cooper (University of Virginia), Paul T. David (Brookings Institution), Herbert Emmerich (Public Administration Clearing House), Claude E. Hawley (U. S. Information Agency), Norman L. Hill (University of Nebraska), Thomas P. Jenkins (University of California at Los Angeles), Louise Overacker (Wellesley College), Charles B. Robson (University of North Carolina). The Business Meeting voted unanimous approval of the officers nominated by the Committee on Nominations.

The President asked the new President Elect, Mr. Schattschneider, to come to the platform, following which he turned the gavel over to the incoming President, Mr. Lasswell.

The Annual Business Meeting was adjourned at 3:30 P.M.

The International Committee of Comparative Law has amended its charter to change its name to the International Association of Legal Science and to broaden the scope of its work. The Executive Bureau of the Association met at Istanbul, September 5-10, 1955, to prepare the colloquium planned for Barcelona in mid-September, 1956. The impact of a Western system of law upon the culture of an underdeveloped country will be the major theme of discussion at Barcelona. Turkey has been chosen as the case study. The Faculty of Law of the University of Istanbul will cooperate in this study. Another theme planned for discussion at Barcelona will be "Audi Alteram Partem," and a third will be a consideration of the factors involved in the selection of a desirable system of legal education by those countries not now having well developed systems. The International Association of Legal Science now unites 27 national committees, representing legal scholars of the following countries: Argentina, Austria, Belgium, Brazil, Chile, Denmark, Egypt, France,

Germany, Greece, Haiti, India, Italy, Japan, Lebanon, Mexico, Nicaragua, The Netherlands, Peru, Sweden, Spain, Turkey, Uruguay, United Kingdom, United States, Venezuela, and Yugoslavia. Two international institutes have adhered, the International Institute for the Unification of Private Law and the Institute for the Comparison and Reconciling of European Law having its seat in the Saar. Germany, Turkey, and Sweden have just taken their places with France, the United Kingdom, and the United States on the Executive Bureau to fill the places left vacant by the expiration of the terms of Denmark, Greece, and Egypt.—JOHN N. HAZARD.

The Western Political Science Association held its ninth annual meeting at the University Memorial Center, University of Colorado, on September 6, 1955. Six round tables were conducted on the following subjects: National Policy and Western Resources, Status of Citizenship Clearing House Programs in the West, Political Loyalty and Political Obligation, American Policy and the Permanent Crisis in Asia, State and Local Government, and Trends in Public Administration. Harold D. Lasswell, President Elect of the American Political Science Association, addressed the group at the luncheon meeting on the subject, "Political Science and the Work of the New Center for Advanced Study." At the dinner meeting James E. Murray, United States Senator from Montana, addressed the Association on the general subject of Western resources.

Utah State Agricultural College was selected as the place for the next annual meeting. Newly elected officers are: President, Curtis W. Martin, University of Colorado; Vice President, Russell H. Fitzgibbon, University of California (Los Angeles); Secretary-treasurer, Ross A. Gomez, University of Arizona. Newly elected members to the Executive Council for two-year terms are: A. Freeman Holmer, Willamette University; Howard J. McMurray, University of New Mexico; and John A. Vieg, Pomona College. The retiring president, Herman H. Trachsel of the University of Wyoming, serves *ex officio* on the council for a one-year term.

The New England Seminar on the Soviet Union and Eastern Europe was held at the Fletcher School of Law and Diplomacy, June 18-21, 1955. The sponsors were the Fletcher School, the Foreign Policy Association, the World Affairs Council of Boston, and the

World Peace Foundation. Professor Donald McKay, trustee of the World Peace Foundation, and Dean Robert B. Stewart of the Fletcher School served as co-chairmen. Eighty people, largely from New England, took part. Roughly two-thirds were civic leaders of various sorts, while about one-third were specialists on Russia and eastern Europe.

The seminar as a whole heard lectures by Nicholas S. Timasheff of Fordham ("Social and Political Change in the USSR since the Death of Stalin"), Colonel G. A. Lincoln of the U. S. Military Academy ("Strategic Problems Presented by the Soviet Bloc"), Merle Fainsod of Harvard ("The Communist Party, Soviet Society, and Government since Stalin's Death"), Henry Shapiro of the United Press ("Problems of News Coverage of the Soviet Bloc"), Alexander Eckstein of Harvard University ("Economic Aspects of the Soviet Bloc"), and John Campbell of the Department of State ("The European Satellites"). The four round tables which met for discussion after each lecture were guided by Frederick C. Barghoorn of Yale University (assisted by Frank Rounds of Harvard), Marshall D. Shulman of Harvard University, Andrew Gyorgy of Boston University and the Fletcher School, and Nicholas S. Timasheff. J. Harris Proctor of the Massachusetts Institute of Technology, George Fischer of Brandeis University, John S. Gibson of the World Affairs Council of Boston, and William Trainor of the American Foundation for Political Education served as rapporteurs for the round tables, while Ralph T. Fisher of Yale was the rapporteur for the seminar as a whole. At a general meeting on the closing day, the rapporteurs summarized the areas of agreement and disagreement found in the round tables, and Mrs. Henry Shapiro, Frederick C. Barghoorn, Robert C. Tucker of Rand, and Andrew Gyorgy added comments on specific topics. John W. Nason of the Foreign Policy Association led a concluding discussion of the problem of educating the American public in the realm of foreign affairs.

Arrangements for the seminar were made by a committee composed of Alfred O. Hero (of the World Peace Foundation) as chairman, John S. Gibson, Andrew Gyorgy, and Haydn Williams (of the Fletcher School), with particular assistance from Marshall D. Shulman and Robert B. Stewart.—RALPH T. FISHER, JR.

On November 10-12, 1955, the University of Chicago invited a number of distinguished

American and foreign scholars to participate in a program of round tables and conferences commemorating the Twenty-Fifth Anniversary of its Social Science Research Building. The opening of this building marked an important step in the development and recognition of the social sciences in the United States. Leonard D. White was chairman of the committee in charge of arrangements for the celebration, which was widely attended by former graduates and guests. On Friday, November 11, there were 10 round tables running concurrently. Sessions of particular interest to political scientists were those on "Psychoanalytic Thought and the Social Sciences," addressed by Harold D. Lasswell, and "The Study of Public Opinion," addressed by Bernard R. Berelson, Ford Foundation, with Leo Rosten of *Look* Magazine and Gabriel Almond of Princeton as commentators. Seven conferences were held on Saturday. The conference on "The Social Scientist and the Administrative Art" had Herman Finer, University of Chicago, as chairman, and Herbert Emmerich, Public Administration Clearing House, and Gordon Clapp as speakers, with Charles Hyneman of Northwestern University as a commentator. The conference on "The Art of Diplomatic Negotiation" was chaired by Quincy Wright, University of Chicago, and the addresses were given by John Nuveen and Hans J. Morgenthau, University of Chicago. Leo Strauss of the University of Chicago spoke at the conference on "Humanism and the Social Sciences," and Andre Siegfried was a commentator. The conference on "Civil Liberty" with C. Herman Pritchett of the University of Chicago as chairman, had Robert E. Cushman of Cornell as the speaker and Morton Grodzins of the University of Chicago as one of the commentators. A special convocation was held Friday afternoon, at which Walter Lippmann was the speaker and received an honorary degree. Other distinguished participants who received honorary degrees were Arnold J. Toynbee, Andre Siegfried, Harold Hotelling, William Ogburn, and Jacob Viner. Beardsley Ruml presided at the Friday evening dinner, at which Chancellor Lawrence A. Kimpton was the speaker. David Riesman and Louis Gottschalk were speakers at the two luncheons.—C. HERMAN PRITCHETT.

A grant from the Ford Foundation permitted the department of political science at the State University of Iowa to sponsor an eight-weeks' seminar during the summer of 1955 on

the teaching of international relations. Vernon Van Dyke served as director, and James Murray as assistant director. Schuyler Wallace of Columbia University and Richard C. Snyder of Princeton University served as advisers in planning the program and selecting the participants. Fellowships permitting participation were awarded to the following professors, all teaching in the international relations field: Winston W. Benson, Mankato State Teachers College; Frank R. Brandenburg, University of Pennsylvania; Henry C. Bush, Hunter College; John L. Chase, Louisiana State University; Michael J. Flack, Vassar College; Wallace B. Graves, DePauw University; Clifford P. Ketzler, University of Kansas; John H. McDonough, Georgetown University; Keith S. Petersen, University of Arkansas; John W. Schwada, University of Missouri; Fred A. Sondermann, Colorado College; and Urban G. Whitaker, San Francisco State College.

The general purpose of the seminar was to give the members an opportunity to improve their teaching of international relations. The group focused on the general international politics course. Seminar sessions were devoted to (1) an analysis and appraisal of various approaches to the field, (2) an examination of

the meaning and usefulness of various concepts, (3) the appraisal of various texts, (4) an examination of the contributions of various disciplines to the study of international relations, and (5) the development of course outlines. Many of the seminar sessions were led by visiting consultants, including Oliver Benson of the University of Oklahoma, John Gange of the University of Virginia, Harold Guetzkow of the Carnegie Institute of Technology, Klaus Knorr of the Center of International Studies at Princeton University, Hans Morgenthau of the University of Chicago, Philip E. Mosely of the Council of Foreign Relations, Frederick L. Schuman of Williams College, Richard C. Snyder of Princeton University, and Quincy Wright of the University of Chicago.

On June 14, 1955, the department of political science of the University of Oregon conducted the Third Institute on Management in Government and Business at the Portland Extension Center. This institute examined some of the major problems affecting business and governmental enterprises in the region. Dr. Edwin G. Nourse, formerly chairman, Council of Economic Advisors, delivered the principal address in the institute.

OTHER ACTIVITIES

Contracts for work in public administration in Latin America have recently been signed by the University of Tennessee. One such contract has been entered into by the University of Tennessee and the Universidad Mayor de San Andres of La Paz, Bolivia, under the sponsorship of the International Cooperation Administration, whereby the Bureau of Public Administration of the University of Tennessee will establish in La Paz a Center for Public Administration. The center will provide in-service training for public officials, develop a library, and offer research and consultative service. Six technicians from the United States will be sent to La Paz, and San Andres University will provide additional personnel. Bolivian officials will be sent to the United States for periods of training. A separate contract between the University of Tennessee and the International Cooperation Administration provides that the Bureau of Public Administration will maintain a team of three technicians in Panama to provide consultative service in cooperation with the U. S. Mission to Panama. Professor Robert S. Avery will head

the party to Bolivia and Mr. Edmund Meisenholder will head the Panama group. Professor Salo Engel will go to Panama to prepare a Panamanian code. Professor Nelson Robinson will go to Bolivia early in January, 1956. Professor Lee S. Greene will serve as coordinator of both contracts at the University of Tennessee.

A short-term Research Program on the History of the CPSU has been inaugurated by an inter-university committee of scholars, consisting of Merle Fainsod (Harvard University), Harold H. Fisher (The Hoover Institute and Library), Philip E. Mosely (New York City), and Geroid T. Robinson (Columbia University), with the financial support of the Ford Foundation.

In order to promote the systematic and expeditious completion of studies relevant to the history of the Communist Party of the Soviet Union, the committee is now able to offer modest grants in aid of research along the following lines: (1) a limited number of full-time fellowships, pre-doctoral and post-

doctoral, on a one-year basis, particularly to facilitate the completion of pertinent research projects which are already well underway (as a rule, the program will not be able to support research projects in their beginning stage); (2) grants for a semester, relieving recipients completely of their academic duties for that period and enabling them to devote the period to the completion of research work that was previously well advanced; (3) assistance in securing access to otherwise inaccessible research materials; (4) a limited number of summer grants for subsistence and travel to facilitate access to sources and completion of manuscripts already in an advanced stage.

Applications will be considered from academically trained persons and from other persons who, by their previous research, have demonstrated a high level of competence in this field of investigation. Each applicant should submit a detailed statement on (a) the purpose, scope, and original contributions of his study, together with (b) a realistic estimate of the amount of work and support needed to complete it, and also (c) the names of persons best qualified to comment on his competence and on his projects. Requests for application forms and any other correspondence should be addressed to: Research Program on the History of the CPSU, 401 West 118th Street, New York 27, New York.

The government department at the University of Miami has entered into relations with the City of Miami and Dr. John Miklos, Director of Employee Training, to conduct special courses in public personnel administration for the city department heads. A more comprehensive training program has been planned covering other aspects of administration, including courses in management, public relations, effective speaking, and others.

A team of four members of the department of government at the University of Miami, Professors Larson, Serino, Sofen, and Wood, are conducting an impact study for the Miami Municipal Board.

The department of political science at Emory University announces the inauguration of its Ph.D. program in September, 1956.

In September the first 14 graduate students from Thailand arrived at Indiana University under the Indiana University-Thammasat University Public Administration Program

financed jointly by the governments of the United States and Thailand. This is the first of several groups to be sent from Thailand in the course of a three-year period. These students are enrolled in a two-year M.A. program designed to prepare them for teaching and research positions in the newly established Institute of Public Administration at Thammasat University. In residence at the Institute of Public Administration in Bangkok this year are the following members of the Indiana University department of government: Joseph L. Sutton, chief of party and director of research; Joseph B. Kingsbury, professor of public administration; and John W. Ryan, research associate. Both the Minister of Education, H. E. General Promyothi, and the new director of the institute, Dean Malai Huvandana, visited Indiana University during September and October to discuss program plans.

The National Association of County Officials has granted Indiana University's department of government \$1,250 as a fellowship to study rural road administration. The fellowship has been awarded to Mr. Robert Adang, a graduate student in government.

The political science department of the State University of Iowa is continuing its experiment with the use of closed circuit television. Following a successful "trial run" with a course in comparative government last spring (see this REVIEW, Vol. 49, pp. 932-33, Sept., 1955), a group of 85 students in the beginning course in American government are now being taught with the use of television by Professor James N. Murray, Jr. The test scores of this class will be compared with the scores of students in a large class of about 200 and those of two smaller classes of 15 or 20 students each to be taught without television during the spring semester of the current year.

As a part of the experiment in teaching political science through the use of mass media at the State University of Iowa, Donald Bruce Johnson is broadcasting the course in American government over radio station WSUI during the fall semester.

The University of Massachusetts announces the establishment of a Bureau of Government Research. This agency, for which legislative authorization was made at the last session of the General Court, will conduct studies of

local and state government and will carry on other activities usually associated with such organizations.

At Ohio Wesleyan University, the Institute of Practical Politics has been named the "Ben A. Arneson Institute of Practical Politics" in honor of its founder and director, who retired in 1953. Professor Earl Warner of the department of political science has been appointed director, and Mr. William H. Eells is serving as executive officer. Financial support for the institute has been obtained from the Maurice and Laura Falk Foundation.

The department of political science of Ohio Wesleyan University, aided by a grant from the Maurice and Laura Falk Foundation to its Arneson Institute of Practical Politics, conducted a summer workshop on the problem of the introductory course. Participants included Professors Earl Warner, Robert Lorish, Victor Walter, and William Strachan (emeritus) of the department, Professor Lloyd Easton (philosophy), and Professor Chester Mathews (education). Professor E. Allen Helms of Ohio State University served as a consultant. The resulting course, called "Introduction to Government and Politics," is designed to introduce the student to the fundamental principles of political science, to provide a broad understanding of the American and other systems of government, to develop political intelligence and tolerance, and to stimulate interest in politics. Recognizing the difficulties in attempting to attain these objectives in the traditional three class periods per week, the course is so organized that the student is required to fill in much of the content by means of individual term projects outside the classroom. To aid in this task, two undergraduate assistants have been assigned to each section to guide, tutor, or offer remedial services to the students and to supervise the term projects. Class discussions are based primarily on materials taken from Wit's *Comparative Political Institutions* and Ebenstein's *Today's Isms*. Appointments to the assistantships were made not only on the basis of demonstrated ability in the field, but also with reference to the students' interest in the possibility of becoming college teachers. It is hoped that an important by-product of the program will be the encouragement of a larger proportion of the abler political science majors to prepare for the college teaching profession.

The Woodrow Wilson Department of Foreign Affairs at the University of Virginia, in cooperation with the Woodrow Wilson Foundation, sponsored an address by Adlai Stevenson on November 11, 1955. This address was a preliminary function for the Woodrow Wilson Centennial which begins December 28, 1955 and extends to December 28, 1956.

The Bureau of Government at the University of Wisconsin has been asked by the Legislative Council to make a study of the alternative forms of county and local government that might be suitable for the Menominee Indian Reservation when it comes under state control on January 1, 1959. The study will explore the governmental arrangements now existing in the area and will analyze the feasibility of the other kinds of arrangements. The study is being done for the bureau by Professor Lloyd W. Woodruff, assistant director of the bureau.

Ralph Braibanti, of Duke University, gave a series of four lectures on Japanese government at the Foreign Service Institute of the Department of State in August. In October Professor Braibanti lectured on Asian international relations to branches of the Canadian Institute of International Affairs in Ottawa, Montreal, Quebec City, Sherbrooke, Fredericton, and Halifax.

George Catlin will deliver a series of lectures at Hamline University, Macalester College, St. Paul, Minnesota, on the Hill Memorial Foundation bequest.

Taylor Cole, of Duke University, spent the past summer visiting universities in Australia, New Zealand, and the Union of South Africa in connection with the Duke University Commonwealth Studies Center.

James C. Coleman, University of California at Los Angeles, participated in the Twenty-Ninth Study Session of the International Institute of Differing Civilisations, held in London, England, September 13-16. The theme of the session was "The Development of a Middle Class in Tropical Countries."

Andrew Gyorgy, professor of government at Boston University, lectured on "Soviet Foreign Policy" at the Universities of New Brunswick and Nova Scotia, October 1-6,

1955, under the auspices of the Canadian Institute of International Relations.

During the past summer Rodney L. Mott, director of the division of social sciences and professor of political science at Colgate University, served as a public member of a State Department Ninth Selection Board. These boards are established under the Foreign Service Act to review the performance of Foreign Service Officers in American embassies and consulates and to make recommendations to the Secretary of State for promotions.

James K. Pollock, chairman of the department of political science at the University of Michigan, was elected President of the International Political Science Association at the 1955 conference held in Stockholm.

Robert S. Rankin, of Duke University, spent part of the past summer in Canada doing research on the administration of Canadian grants-in-aid.

Clinton Rossiter, professor of government at Cornell University, delivered the principal address at the Sixty-Eighth Founders Day Convocation at Pomona College on October 13, 1955. His subject was "The Liberal Arts College in American Society." During his visit to Pomona College, Professor Rossiter made two other addresses on "The Origin of the American Tradition" and "The Age of Eisenhower."

Robert Scalapino, of the University of California (Berkeley), spent the summer months in Japan and Southeast Asia engaged in area research.

APPOINTMENTS AND STAFF CHANGES

Milton C. Abrams, who is serving as librarian in the Institute of Government at the University of Utah while working toward a Ph.D. degree, has been appointed Director of Libraries at Utah State Agricultural College, Logan, Utah. He will assume his duties there next year.

Robert E. Agger, who spent last year at the Center for Advanced Study in the Behavioral Sciences at Stanford University, has returned to the University of North Carolina.

Ethan P. Allen, chairman of the department of political science at the University of Kansas, has been appointed to the Governor's Advisory Committee on Revenue and Taxation. Professor Allen has also been named to the Executive Committee of the Missouri Basin Research and Development Council.

Paul S. Bachman has been appointed President of the University of Hawaii, effective September 1, 1955.

Chester W. Bain has been appointed assistant professor of political science at the University of Virginia. He will continue to serve as research assistant in the Bureau of Public Administration.

Richard C. Baker, formerly of Drake University, has been appointed associate professor of political science at Harding College.

Edward Banfield, formerly assistant professor in the Planning Committee at the University of Chicago, has been appointed assistant professor of political science at that institution.

Ernest R. Bartley of the department of political science at the University of Florida, has been promoted to full professor. Professor Bartley was a consultant to the Public Administration Service of Chicago and the Alaska Statehood Committee while on leave from July to September 15, 1955. He is serving as director of research for the Florida Constitution Advisory Commission in Tallahassee, in addition to his teaching duties.

George A. Bell, who received his Ph.D. at the University of Michigan, has been appointed research associate in the Bureau of Governmental Research at the University of Maryland, effective September 1.

Frederick T. Bent, who recently returned to the United States after four years at the American University of Beirut, Lebanon, has been appointed assistant professor of political science at Coe College, Cedar Rapids, Iowa.

Charles Blitzer, assistant professor of political science, Yale University, has returned after a year's leave of absence in England.

Rosalind L. Branning has been promoted to

the rank of associate professor of political science at the University of Pittsburgh.

Gary Brazier, formerly of Ohio State University, has accepted an assistant professorship in political science at Western Reserve University and will assume the responsibilities as executive director of the Graduate Program in Local Government Administration.

John Cotton Brown, formerly of Brandeis University, has accepted an appointment as assistant professor of political science and public administration at Cornell College, Mount Vernon, Iowa.

J. Cudd Brown has been appointed instructor in political science at the University of Oregon.

Edwin C. Buell, who has been teaching at Davidson College for the past two years, is now teaching at Lamar State College of Technology, Beaumont, Texas. He was awarded the Ph.D. at the University of North Carolina in June.

Franklin L. Burdette has been granted a leave of absence from the University of Maryland for a second year to serve as Director of the Information Center Service of the United States Information Agency.

Fred V. Cahill, Jr., formerly professor of government, has been appointed Dean of the College of Arts and Science at the University of Massachusetts and was recently named by the Governor to be chairman of a special commission established by the General Court to study state and local interrelations in government.

Holbert N. Carroll has been promoted to associate professor of political science at the University of Pittsburgh.

Homer C. Chandler, formerly a graduate student in political science at the University of Utah, has been appointed city manager of the City of South Salt Lake.

Asher N. Christensen has returned to the University of Minnesota after serving as a Fulbright lecturer in American government at University College in Aberystwyth, Wales, during 1954-55.

Dorothy I. Cline, assistant professor of government, is on leave from the University of New Mexico for a second semester to serve as Director of Health, Welfare and Recreation for the New Mexico State Department of Public Instruction.

Edward F. Cooke, assistant professor of political science at Knox College, Galesburg, Illinois, is a visiting member of the department of political science at the University of Pittsburgh. He will serve as associate director of the Citizenship Clearing House for Western Pennsylvania.

L. Gray Cowan has returned to Columbia University as assistant professor of government after spending two years of study in Africa. He will serve as departmental representative in the School of General Studies.

Richard F. Crabbs has been appointed to the faculty of the department of government at Indiana University as a lecturer. He will also serve as assistant to the coordinator of the Thailand Public Administration Program.

Margaret Cram has been appointed research assistant in the Governmental Research Center at the University of Kansas.

Claude B. Cross is visiting assistant professor of political science at the University of Idaho during the current academic year.

Winston S. Crouch has resumed his duties at the University of California at Los Angeles after a year in India under the Fulbright Program.

Emmett Davidson has been promoted to professor of political science at the University of Minnesota (Duluth Branch).

H. E. Dean, on sabbatical leave from the University of Oregon, is spending the year 1955-56 at Harvard University on a fellowship from the Fund for the Advancement of Education.

John T. Dempsey returned to the University of Detroit in September, 1955, after completing his year in Washington, D.C. as a congressional interne.

Alfred Diamant is on leave from the University of Florida during 1955-56 to complete his

doctorate at Yale University under an award from the Danforth Foundation.

Allan Dionisopoulos, doctoral candidate at the University of California (Los Angeles), has been appointed lecturer in political science at Indiana University.

J. E. Dovell, of the department of political science at the University of Florida, has been promoted to a full professorship.

James W. Drury has returned to the University of Kansas from a sabbatical leave during which he held a Fulbright lectureship at Sendai, Japan.

Paul S. Dull has been advanced to a full professorship in political science at the University of Oregon.

Leslie W. Dunbar, who served previously at Emory University and with the Atomic Energy Commission, has been appointed assistant professor of political science at Mount Holyoke College.

Chester B. Earle has been appointed to the rank of assistant professor in the department of government and public administration at the American University.

Valerie Earle, formerly of the University of Alabama, has been appointed assistant professor of public administration at Georgetown University.

Jack Eaves, who had a Ford Foundation fellowship for two years of study in India, has returned to Columbia University as assistant to the director of the School of International Affairs.

Henry W. Ehrmann, of the University of Colorado, has recently been named chairman of the National Selection Committee for Fulbright Awards to Germany. Professor Ehrmann has accepted a visiting professorship for the spring semester with the department of political science at the University of California (Berkeley). He has been granted a leave of absence from the University of Colorado.

Robert E. Elder, associate professor of political science at Colgate University, has been awarded a Ford Foundation fellowship in international relations for study in Washington.

Samuel J. Eldersveld, associate professor of political science at the University of Michigan, has returned from a year's leave of absence in Europe. While abroad on a sabbatical and a Fulbright research scholarship he taught for one semester at the Municipal University of Amsterdam and engaged in comparative research on political parties and elections in The Netherlands, Belgium, and Germany. Professor Eldersveld is resuming direction of a political behavior project which is supported by a three-year grant from the Ford Foundation.

Lynn W. Eley, formerly organization and methods examiner with the Agricultural Research Service, U. S. Department of Agriculture, has been appointed research associate in the Institute of Public Administration, University of Michigan, where he reported for duty in July.

Norris Ellertson, who has been associated with Professor Herbert McClosky in studies of political affiliation and participation, is giving the course in political behavior at the University of Minnesota this year during the latter's absence.

Donald L. Fairchild has been appointed assistant professor of political science at The Citadel.

John D. Fassett has been appointed visiting lecturer in political science at Yale University for the academic year 1955-56.

John H. Fenton, recently a Social Science Research Council Fellow and a graduate student at Harvard University, has been appointed to an instructorship in political science at Tulane University.

William Fleming, chairman of the department of political science at Ripon College, Ripon, Wisconsin, has been promoted to the rank of associate professor.

John L. Fletcher, assistant professor of government at Boston University, received a grant from the Graduate School of Boston University to conduct research on public housing during the summer of 1955.

Edwin J. Forsythe, formerly with the Institute of Government of the University of Michigan, has accepted a position in the de-

partment of political science at the University of Detroit, beginning in September, 1955.

Charles N. Fortenberry, professor of political science at the University of Mississippi, has recently been appointed director of the Bureau of Public Administration at that institution.

Paul O. Foss has been appointed instructor in political science at the University of Oregon.

Robert S. Friedman has joined the department of government and politics at the University of Maryland as an instructor.

Carl J. Friedrich has been appointed Eaton Professor of the Science of Government at Harvard, succeeding Arthur N. Holcombe, who took over this chair from Charles H. MacIlwain. Professor Friedrich is this term serving as Bacon Professor at the University of Paris, where he is giving courses at the *Faculté de Droit* and at the *Institut d'Études Politiques*, dealing with the history of political thought and with totalitarian dictatorship and constitutionalism. Professor André Siegfried is serving at Harvard in exchange, lecturing on French government and politics.

Robert Lee Galvin, who took his graduate work at West Virginia University, has been appointed instructor in political science at Fairmont State College, Fairmont, West Virginia.

Stephen P. Gibert, having completed his studies at the Johns Hopkins School of Advanced International Studies, has been appointed instructor in government at Georgetown University.

Edward B. Glick, who received his doctorate in June from the University of Florida, has been appointed instructor in the department of political science at that university for the 1955-56 academic year.

Reverdy T. Gliddon has been appointed to the faculty of the department of government at Indiana University as a lecturer.

W. Leon Godshall, of Lehigh University, has been elected president of the social science honorary fraternity Pi Gamma Mu.

Merrill R. Goodall is serving as visiting associate professor of public administration at

Claremont Graduate School during the current year. (Editor's note: The item on Professor Goodall in the last issue of this REVIEW (page 939) erroneously reported that he was a visiting professor at Pomona College.)

James W. Gould, formerly of the Foreign Service, has been appointed assistant professor of international relations at Claremont Men's College.

George A. Graham is on leave of absence from Princeton University to spend a year at the University of Hawaii. He did research during the fall term and will teach during the spring term.

Paul S. Greenlaw, who recently received his doctorate from Syracuse University, has joined the department of political science at Duke University with the rank of instructor.

Morton Grodzins has been named chairman of the political science department at the University of Chicago, succeeding C. Herman Pritchett who resigned as chairman after serving for seven years in that position.

Werner Grunbaum has been appointed instructor in political science at the University of Houston.

Joseph Hajda has been appointed instructor in government at the Indiana University South Bend Center.

Louis Halle is serving for a second year as research professor in the Woodrow Wilson Department of Foreign Affairs at the University of Virginia under a Rockefeller Foundation grant. (The source of the grant to Professor Halle was erroneously reported in the September issue of this REVIEW (page 939) as the Ford Foundation.—Ed.).

John H. Hallowell, of Duke University, served on the faculty of the American Studies Institute at Stetson University during the summer. He is spending this academic year as a Fulbright lecturer at the University of Munich.

William. H. Harbold has been promoted to assistant professor of political science at the University of Washington.

Henry C. Hart has been promoted to associate professor of political science at the University of Wisconsin.

Frederick Hartmann, of the department of political science at the University of Florida, has been appointed to the National Fulbright Selection Committee.

Rev. Robert C. Hartnett, S.J., will rejoin the faculty of the department of political science, University of Detroit, in February, 1956, after seven years' absence as editor-in-chief of the weekly *America*.

George Y. Harvey, who recently retired as staff director of the Committee on Appropriations of the U. S. House of Representatives, has been appointed lecturer in political science at the University of Missouri for the fall semester.

William C. Havard is on leave from the University of Florida during 1955-56 to complete his doctorate at the London School under a Southern Fellowships Fund award. Professor Havard organized the research activities of the Florida Constitution Advisory Commission and served as temporary director of research during August and September, 1955.

Dayton E. Heckman has been promoted to the rank of professor of political science at the Ohio State University; he continues to be secretary of the Arts College.

Arthur N. Holcombe is serving as Haynes Foundation Visiting Professor of Government at Claremont Men's College during the first semester of this year.

Robert E. Hosack, professor and chairman of political science, has been named head of the department of social sciences at the University of Idaho, effective July 1, 1955.

Harry N. Howard, of the State Department, has been named visiting professor at Columbia University to give a course in the Russian Institute during the winter season.

Ronald F. Howell, assistant professor of political science at Emory University, has been appointed to the Fulbright National Selection Committee of the Institute of International Education.

Karel Hulicka is visiting lecturer in political science at the University of Minnesota during the current academic year.

Lucretia Ilsey, of the department of political science at Hollins College, has been awarded a grant by the Duke University Commonwealth Studies Center for study in the Union of South Africa.

Eugene Wise Jones, who recently received his Ph. D. degree at the University of North Carolina, has accepted a position at Maryland Baptist College, Plainview, Texas.

Ralph G. Jones, of the University of Arkansas, is serving as visiting associate professor in political science at the University of Minnesota for 1955-56.

Robert Dale Judy, who has been teaching political science at Forman Christian College, Lahore, Pakistan, during the past five years, has returned to the United States to work toward his doctorate at the University of California (Berkeley).

Roy Jumper, who received his doctorate from Duke University last June, was in Saigon during the past year on a Ford Foundation fellowship studying the French civil service. Previously, Dr. Jumper spent a year in France as a Fulbright scholar doing research on the French bureaucracy.

Morton A. Kaplan, of the Brookings Institution, is spending a year as a fellow at the Center for Advanced Study in the Behavioral Sciences, Stanford University.

Robert Kirch has been appointed instructor in government at the Indiana University Indianapolis Center.

Marshall Knappen has returned to the University of Michigan after a year's sabbatical leave. While on leave he visited the Far East, India, and the Near East. In those areas he consulted with officials engaged in Point Four work and cultural activities. Professor Knappen also spent some time in western Europe.

Kenneth Kofmehl has joined the staff of the department of political science at the University of Kansas as visiting instructor.

Lionel H. Laing has resumed his duties as professor of political science at the University of Michigan after a sabbatical year in New Zealand, Australia, and South Africa which

was spent in observing political and governmental processes in these Commonwealth countries.

Robert N. Larson, formerly of the University of Rhode Island and Boston University, has been appointed instructor in government at the University of Miami.

Harold D. Lasswell, professor of political science, Yale University, has returned after a year at the Center of Advanced Study in the Behavioral Sciences, Stanford University.

Ruth C. Lawson has been promoted to professor of political science at Mount Holyoke College.

Harry Lazer, formerly of Brooklyn College, has accepted a one-year appointment as instructor in political science at the University of Rhode Island.

Richard H. Leach has joined the staff of the political science department at Duke University as visiting lecturer.

M. Harry Lease, a candidate for the Ph. D. degree at Indiana University, has been appointed instructor in government at the University of Miami.

Nathan Leites has been appointed visiting lecturer in political science at Yale University for the fall term, 1955-56.

T. J. Leonard, formerly at the University of Southern California, has joined the staff of the department of political science at the University of Florida as an interim instructor.

Murray B. Levin has been appointed instructor in government at Boston University.

Ernest M. Linton, retired professor of government at Indiana University, has rejoined the department of government to assist with the introductory course.

Benjamin E. Lippincott has returned to the University of Minnesota after a sabbatical leave of absence during which he was engaged in bringing to completion a study of totalitarian parties in a democracy.

George A. Lipsky has been appointed associate professor in the Human Relations Area Files, American University, Washington, D.C.

Leslie Lipson, of the University of California (Berkeley), has received a grant from the Rockefeller Foundation and sabbatical leave for the fall semester to conduct a comparative study of the party systems in Britain and Switzerland.

Hugh G. MacNiven has been appointed assistant professor of political science and supervisor of training for the Institute of Local Government at the University of Pittsburgh.

William Manger, the Assistant Secretary General of the Pan-American Union, has accepted an appointment as lecturer on Latin-American government and politics in the Graduate School of Georgetown University.

Harry S. Manley, who received his doctorate in political science from Duke University in June, has joined the faculty of Millsaps College in Mississippi.

Mavis Mann has returned to her duties at West Virginia University after a two-year leave of absence. During 1953-54 she was one of the American Political Science Association's congressional internes in Washington, D. C., and during 1954-55 she served as Fulbright lecturer at Keio University in Tokyo.

John A. Marcum, formerly of Stanford University, has been appointed instructor in political science at Colgate University.

John W. Masland has been named chairman of the department of government at Dartmouth College, succeeding Professor Elmer E. Smead.

Bruce Mason has been appointed acting director of the Public Administration Clearing Service, University of Florida.

John Brown Mason, formerly with the State Department and most recently stationed at Bangkok, Thailand, is visiting professor of political science at the University of Florida for the academic year 1955-56.

William I. Matthews, who taught last year at Valparaiso University, has been appointed acting assistant professor of political science at Drake University.

Daniel S. McHargue, assistant professor of political science at the University of Michigan,

has returned to his regular duties after spending the academic year 1954-55 as liaison officer for the University of Michigan at the Institute of Public Administration of the University of the Philippines.

Dean E. McHenry, professor of political science, University of California at Los Angeles, has been appointed director of the Nevada Legislature's special group for conducting the legislative investigation of the faculty affairs, administration, and the academic operations of the University of Nevada. The Nevada Legislature at its 1955 session authorized the investigation and appropriated \$25,000 for this purpose.

Edward McWhinney has resigned from Yale University to accept an associate professorship at the School of Law, University of Toronto, where he will teach and direct research in comparative law.

Marvin Meade has been promoted to assistant director in charge of the consultation service at the Governmental Research Center, University of Kansas.

Norman Meller has been appointed chairman of the department of government at the University of Hawaii, effective September 1, 1955.

Donald G. Morgan, chairman of the department of political science at Mount Holyoke College, has been promoted to the rank of professor.

Pedro Muños Amato, dean of the College of Social Sciences and director of the School of Public Administration, University of Puerto Rico, is spending 1955-56 in Europe where he is studying public administration practices in the United Kingdom, France, Sweden, The Netherlands, Switzerland, and Italy. He is on sabbatical leave and has a grant from the Ford Foundation for research in comparative administration.

Robert G. Neumann has returned to the University of California (Los Angeles) after a year of research and lecturing in western Europe.

Mark Neuweld, after a year's leave of absence under a Ford Foundation grant at the Russian Research Center, Harvard University,

has returned to Western Reserve University as assistant professor.

Benjamin Nimer, formerly of the University of Chicago, is a visiting assistant professor of political science at Northwestern University during 1955-56.

Clarence H. Nixon, who has retired as professor of political science at Vanderbilt University, is serving as visiting professor at Hamilton College, Clinton, New York, during the academic year 1955-56.

Jack Northrup has been appointed research assistant in the Governmental Research Center, University of Kansas.

Alfred G. Obern has been appointed instructor in the department of government and politics at the University of Maryland.

Felix Oppenheim has returned to the University of Delaware after a year's leave of absence at Stanford University, where he was visiting associate professor of political science during the spring quarter, 1955.

Vincent Ostrom, associate professor of political science at the University of Oregon, has been appointed to a fellowship in the Center for Advanced Study in the Behavioral Sciences for the year 1955-56.

Normal J. Padelford has been appointed chairman of the new political science section at the Massachusetts Institute of Technology. The section, which has been established within the department of economics and social science, will coordinate the work of professors in several M.I.T. departments for more effective undergraduate instruction in political science.

Ivan W. Parkins, formerly at the University of Akron, has joined the department of social sciences of the University of Florida as an assistant professor.

Robert J. Pitchell, who received his Ph. D. this year from the University of California (Berkeley), has been appointed assistant professor of government at Purdue University.

Ira Polley, formerly at Wayne University, has been appointed visiting associate professor of political science and acting associate direc-

tor of the Public Administration Center at the University of Minnesota for 1955-56.

Lyman Powell has been appointed assistant to the research director of the Local Government Survey Commission of the State of Utah.

Hyrum Plaas has been appointed research fellow in the Institute of Government at the University of Utah.

Lucian Pye, of the Center of International Studies at Princeton University, is giving a winter session course in the East Asian Institute of Columbia University.

Harold S. Quigley, who retired from the political science faculty of the University of Minnesota in the fall of 1954, is spending the year in California. His friends may address him at: 6259 Girvin Drive, Oakland, California.

Felix Rackow, after several years at Brown University, has joined the Western Reserve University staff as assistant professor.

S. G. Rich, Jr. has returned from Europe to resume his duties at the University of Utah.

George Lee Robinson has been appointed instructor in political science at New York University; he will divide his time between the University College of Arts and Science and the Washington Square College of Arts and Science.

Ruth Roettinger, who served as an instructor in political science at the University of North Carolina last year, has been granted a fellowship by the Southern Fellowship Council and is continuing her graduate work at North Carolina.

George Romoser, teaching associate in government at Indiana University's Gary Center, has received a grant to study for a year in Germany.

C. Neale Ronning, formerly of the University of Minnesota, has been appointed instructor in the department of politics at Princeton University for the academic year 1955-56.

Edwin Rothman has been named director of research of the Bureau of Municipal Research

and Pennsylvania Economy League (Eastern Division).

Dankwart A. Rustow has been appointed research associate in the Princeton University Center of International Studies, in addition to his regular duties as assistant professor of politics.

Allan F. Saunders, formerly chairman of the department of government at the University of Hawaii, has been named dean of the College of Arts and Sciences of that institution.

Steven E. Schanes has been appointed Director of the New Jersey State Division of Pensions by Governor Meyner.

Elmer E. Schattschneider, of Wesleyan University, is a visiting professor of government at Columbia University during the winter session of 1955-56.

F. B. Schick, who has been lecturing at the Law School of the University of Berlin, Germany, has returned to his regular duties at the University of Utah.

Charles P. Schleicher has returned to the University of Oregon from his sabbatical year and Fulbright assignment at Allahabad University in India. Professor Schleicher taught during the summer session at Lehigh University.

Jackson Selman, who recently completed his work for the doctorate at the University of North Carolina, is teaching at the Virginia Polytechnic Institute, Blacksburg, Virginia.

Walter R. Sharp, professor of political science, Yale University, has returned from a year in Egypt, where, under UN auspices, he helped establish an Institute of Public Administration at Cairo.

Edgar L. Sherbenou has been appointed instructor in political science at the University of Houston.

Kalman H. Silvert, associate professor of political science at Tulane University, has been granted a leave of absence to join the American Universities Field Staff organization. Professor Silvert's field of work with the A.U.F.S. is Latin America.

William Hays Simpson, of Duke University, is spending his sabbatical leave in England where he is making a study of the voting behavior of the textile industry in the last British elections.

John F. Sly has been appointed chairman of the Princeton University department of politics, effective in September, 1955.

Frederick C. Spiegel has been appointed instructor in political science at the University of Missouri.

Robert J. Steamer, recently of Oglethorpe University, has joined the government department of the University of Massachusetts.

Murray S. Stedman, Jr., associate professor of political science at Swarthmore College, will be a member of the faculty of the Salzburg Seminar in American Studies, Salzburg, Austria, during the session extending from January 8 to February 4, 1956.

Edwin O. Stene resumed his regular duties in September as professor of political science at the University of Kansas after a year's leave of absence in the Philippines where he served as research consultant to the Institute of Public Administration, University of the Philippines.

Richard W. Sterling has been promoted to assistant professor of government at Dartmouth College.

James A. Storing, professor of political science at Colgate University, is a visiting professor in the University of Maryland's Overseas Program for the Armed Forces in Europe.

Leo Strauss has returned to the University of Chicago after a year's absence at the Hebrew University in Jerusalem.

Oscar Svarlien, of the departments of history and political science at the University of Florida, has been promoted to a full professorship.

Thomas F. Thompson has been appointed academic counselor and teaching associate in government at Indiana University's Gary Center.

James F. Tierney has been appointed instructor in government at Dartmouth College.

Glenn E. Tinder, Jr. has been promoted to the rank of assistant professor of government at the University of Massachusetts.

David B. Truman has received a Guggenheim fellowship and is on leave from Columbia University for the academic year 1955-56.

Donald S. Vaughan, formerly of the University of Alabama extension division and the department of political science, has accepted an appointment as assistant professor of political science at the University of Mississippi, effective September, 1955.

William Verhage, professor of government at Boston University, has received a Fulbright grant for the academic year 1955-56 to lecture in Japan at the International Christian University, Tokyo.

Clement E. Vose has resigned his position as assistant professor of political science at Western Reserve University to become associate professor of government at Bowdoin College. He is also director of the Bureau for Research in Municipal Government at Bowdoin.

Eric Waldman, who recently received his doctorate at George Washington University, has accepted an appointment as assistant professor of political science at Marquette University.

Lawrence C. Wanlass has resigned his position at Mount Holyoke College to accept a position in the State Department.

Paul S. Welty, formerly of the University of Chicago, has been appointed associate professor in the department of social sciences at the University of Florida.

Egbert S. Wengert, of the University of Oregon, taught during the summer session in the department of public law and government at Columbia University.

Dale Whipple has been appointed research assistant in the Institute of Government, University of Utah.

Catherine D. Williston has been appointed instructor in political science at Mount Holyoke College.

Fred H. Winkler has been appointed instructor in history and political science at the University of Idaho.

George Wolff is on leave from the University of Florida during 1955-56 to complete his doctorate at the University of North Carolina under a Southern Fellowships Fund award.

Julius F. Wolff, Jr. has been promoted to associate professor of political science at the University of Minnesota (Duluth Branch).

Edward J. Woodhouse, who retired in 1954 after 28 years at the University of North Carolina, is now President of the Coastal Carolina College at Conway, South Carolina.

Dr. Woodhouse returned to the University of North Carolina to teach during the summer session, 1955.

Leon W. Wolcott is serving as visiting professor of government at the University of New Mexico during the first semester of 1955-56.

Joseph J. Zasloff, assistant professor of political science at the University of Pittsburgh, taught in the European Program of the University of Maryland College of Special and Continuation Studies.

Janusz K. Zawodny, formerly of Stanford University, has been appointed instructor in the department of politics at Princeton University for the academic year 1955-56.

IN MEMORIAM

J. Dayton Voorhees, associate professor of Politics Emeritus of Princeton University, died of a heart seizure September 28th. A graduate of Princeton in 1905, Mr. Voorhees returned nine years later for an A.M. Meantime, having been admitted to the Bar in 1908, he had practiced law in Camden, his birthplace. In 1917, however, he joined the Air Service, from which in 1919 he was mustered out a captain. This same year he again returned to Princeton, to accept an appointment as instructor in the tripod department of history, politics and economics. In 1922 he was made assistant professor of politics; in 1929, associate professor.

Most of Professor Voorhees' teaching was done in jurisprudence and municipal government. In the latter subject, in particular, he contrived to blend practice and teaching with notable success, and with marked benefit to his students and to the Borough of Princeton. At the time of his death he was just completing his 15th year as Borough Councilman, in

which capacity he served at various times as Acting Mayor, President of the Council, and Police Commissioner, earning in all roles the esteem and affection of his constituents.

While not a contributor to the literature of his field, he read widely in it, as well as in related fields. Thanks to his breadth of information and practical experience, and to charm of personality, his success in the class room was outstanding. Perhaps his greatest contribution, however, to the department was the confidence which he instilled in his younger colleagues by his unassuming and direct approach to the problems they soon learned to bring to him. And by all who knew him he was admired as a master of good talk, sensible, unhackneyed, humorous. His loss will be felt deeply throughout the Princeton community —by fellow townsmen, classmates, former students, and by those with whom he shared for many years the Sisyphean labors of college teaching.—EDWARD S. CORWIN.

1956 PROGRAM OF CONGRESSIONAL FELLOWSHIPS

Applications for the 1956 Program of Congressional Fellowships will close on January 15, 1956. This program, which has been operating since 1953, will continue with its objective of enabling young political scientists and journalists to gain the practical experience of working as staff members of congressional committees in the offices of House and Senate members. Next year 10 Fellowships will be awarded—five for those with graduate training and/or teaching experience in political science and five for journalists or young teachers in schools of journalism. The stipends are \$4,000, plus travel expenses to and from Washington, D. C.

Several changes have been made in the selection process for next year. The age limit has been raised somewhat and preference will be given applicants in the age group 25–35. It will no longer be necessary to submit applications through the chairman of the department of political science. In former years, the chairman of each department of political science was asked to recommend only one candidate from each college or university. Henceforth, any number of applicants may apply directly to

The American Political Science Association.

Preference will be given to applicants who have not had the opportunity to work or live in Washington, D. C. The following types of experience and training are suggestive rather than binding:

(1) Completion of two years of graduate work in political science, plus one year of experience in politics, teaching or public administration;

(2) A. B. degree (honor graduate) in political science or international relations with two years of full-time experience in newspaper, radio, or television work.

The program will commence on November 1, 1956 with a one-month orientation period of intensive readings, seminars, and discussions with experts in the legislative process. The next eight months will be divided between staff assignments with senators, representatives and congressional committees. As far as possible, each Fellowship winner will be allowed to choose the assignment he prefers.

Additional information and application forms may be obtained from the Association office.

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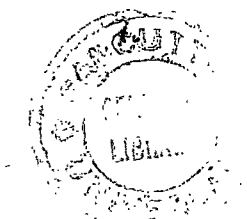
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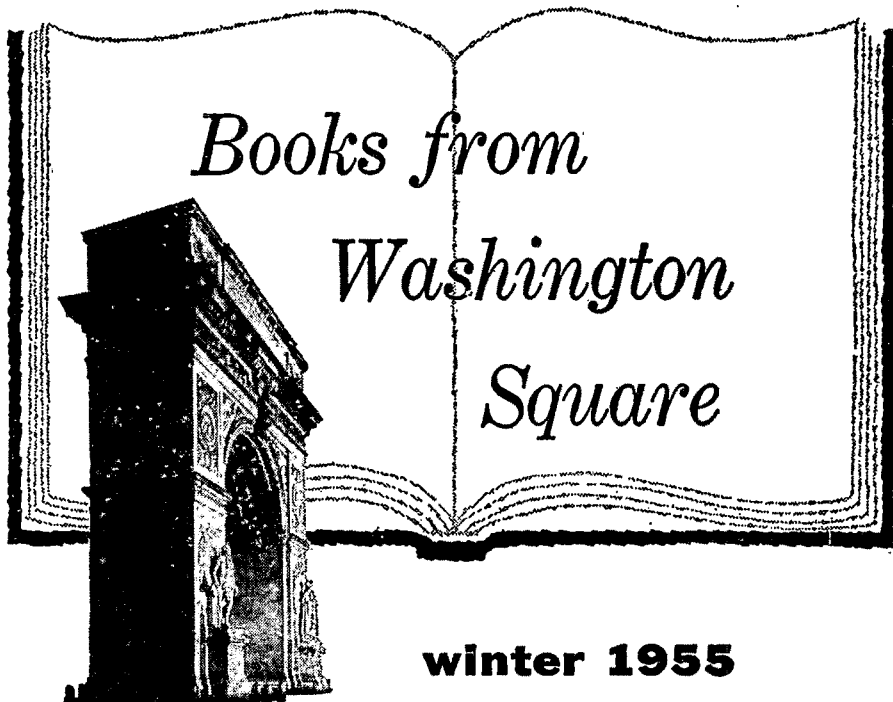
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